

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on September 18, 2019, at 1:00 p.m., Lane Auditorium, Second Floor, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Norman G. Dill, Mr. Ned Gallaway, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer, and Mr. Rick Randolph.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; Deputy County Executive, Doug Walker; Deputy County Attorney, Andy Herrick; Clerk, Claudette Borgersen; and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:01 p.m., by the Chair, Mr. Gallaway.

Agenda Item No. 2. Pledge of Allegiance.
Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Gallaway noted that one item, the Hollymead Town Center proffer item, was removed from the agenda at the applicant's request.

Motion was offered by Ms. Mallek to adopt the final agenda. Ms. McKeel **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, and Ms. McKeel.
NAYS: None.

Introductions. Mr. Gallaway introduced staff present and the presiding security officers, Lt. Terry Walls, and Officers Reuschling and Crickenburger.

Agenda Item No. 5. Brief Announcements by Board Members.

Ms. Mallek announced that the deadline to register to vote or change address is October 15 and encouraged everyone to spread the word.

Ms. Palmer announced the coming Household Hazardous Waste Days, explaining that residents can drop off their household hazardous waste on Friday, September 27 at the Ivy MUC, 9:00 am to 2:00 pm; and Saturday, September 28, 9:00 am to 2:00 pm. She said the information is listed on the Solid Waste website. She also announced Bulky Waste Amnesty Days, during which residents can get rid of furniture, mattresses, appliances, and tires for free, the first three Saturdays in October. She said there would be a computer and electronics drop-off also coming up in October and that she would have the date at the next Board meeting, adding that residents will have to sign up for this service.

Ms. Mallek added that Lowe's used to accept batteries for disposal, but no longer do. She said it is important that the County tries to solve this problem, as there doesn't seem to be any place in the area to take batteries unless one pays to go to a place that sells rechargeables because no one will accept regular batteries anymore.

Ms. McKeel agreed that the battery issue is a problem and said she had two announcements. First, she thanked the Piedmont Master Gardeners Association and Virginia Cooperative Extension Agency for the program she recently attended at The Paramount called "The Future of Our Landscapes in a Changing Environment." She said the keynote speakers were Dennis Gimmick, a retired National Geographic environmental editor, and Jeremy Hoffman from the Virginia Science Museum in Richmond. She said there was also a panel discussion at the end of the program.

Ms. McKeel continued that this was one of the best and most informative programs that she had attended in years. She said that while it talked about the big picture, it also had a local focus. She thanked the people who sponsored the program, expressing that she hoped there would be more programs like it in the future.

Ms. McKeel also announced that there are neighborhoods in her district who have received, or will receive that day, a postcard that says, "Art on Fire." She said this was the art project the County is doing in partnership with the Albemarle County Service Authority, Bridge Perspective Arts Initiative, and Mural Project. She explained the postcard announced to specific neighborhoods, mostly in the Barracks, Georgetown Road, Hydraulic Road, Commonwealth, and Whitewood Road areas, that they are invited to attend a community meeting.

Ms. McKeel said they have put out a call for artists around art on fire hydrants, and there are artists who are submitting their ideas. She said the communities around those fire hydrants have been invited to come to a meeting to learn about the projects and help to vote on what the hydrants might look like. She expressed her excitement for the project.

Ms. McKeel explained that two of the fire hydrants are on Georgetown Road, one is on Whitewood Road, one on Commonwealth Drive, and one outside of Mr. O'Connell's Service Authority office on Pantops. She said this program is a pilot and then, if there are other areas or neighborhoods who would like to participate, they will be able to.

Mr. Randolph announced that the first annual non-Boys and Girls Club sponsored ride, which will raise money for the club, which was put together by the Cville Chain Gang Bike Team and Bob Stroh, occurred that past Sunday. He said there were only 30 riders, but information distributed about the event had been limited and was put together on late notice. He said participation was mainly in Southern Albemarle in the Samuel Miller District. He observed that many motorists in that district are not used to seeing cyclists on the road, and several of them gesticulated and revved their motors and acted rudely. He said it was hard in rolling terrain for cyclists to know that vehicles are approaching behind them.

Mr. Randolph shared a study that was released on Tuesday published in the Washington Post, which cites the National Trauma Data Bank of statistics of sustained head or neck injuries for cyclists. He said this data was from 76,000 cyclists from 2002 to 2012, and that 22% of the adults seriously injured did so without wearing a helmet at the time. He said that just 12% of bicyclists younger than 17 were wearing helmets when injured, noting it was a very low percentage. He shared that he sees parents helmeting their children, but do not wear helmets themselves.

Mr. Randolph recalled that two decades earlier, a well-known coach at the University of Pennsylvania was in California at the time and had attached his tennis racket to the front of his bike and was going down a grade. He said the tennis racket fell, which went into his spoke, resulting in him going over his handlebars and experiencing a serious head injury. He said he was lucky that he did not have spinal injuries and was not paralyzed. He said that bicycling is a safe sport, but one must exercise precautions and wearing a helmet is absolutely a minimum requirement, no matter what your age and level of proficiency.

Ms. McKeel said she needed to thank Ms. Emily Kilroy and her office with the help with the Art on Fire project.

Agenda Item No. 6. Proclamations and Recognitions.

Agenda Item No. 7. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Teddy Hamilton, Rivanna District, said that in addition to being a citizen for pro-climate action, she has served on the Long-Range Alternatives Planning Committee, as well as the subsequent Solid Waste Alternatives Advisory Committee. She said those committees originally began in 2014, and the latter still exists today and hopefully to perpetuity.

Ms. Hamilton thanked the Board for providing strong support for climate action in Albemarle County. She recognized that they would hear a presentation from staff on climate action, noting that it was a good presentation that many people worked on, including staff and volunteers throughout the community. She said she is on the Sustainable Materials Sector Working Group and is particularly fond with the conclusions they came up with for the Board to consider.

Ms. Hamilton said there were many important things within climate action planning, and pointed out that many of the things the Board would hear about sustainable materials work very well with what the committee provided in its 2015 report that is an ongoing thing that they work to address, including providing additional recycling opportunities for citizens as well as a better way to manage solid waste throughout the County. She thanked the Board and asked them to keep this in mind as they listen to the presentation.

Ms. Peggy Gilges, Jack Jouett District, said she serves on the Solid Waste Alternatives Advisory Committee, but that she wanted to express her personal opinions as someone who is concerned about climate. She said the County has a goal in its Comprehensive Plan of sustainable materials management. She said it is an important concept of basic efficiency with regard to materials and is important to help the public learn about sustainable materials management and to provide affordable and reasonably convenient ways for county residents to do the right thing with the materials they use. She said this has an important bearing on reducing greenhouse gas emissions.

Ms. Gilges said that there is currently a linear economy and that there needs to be a quick move to a circular economy to mitigate climate change. She said currently, materials, gas, timber, and oil are being processed, marketed, and used with most of it being disposed of in a landfill. She stressed that these materials must be kept working for the community and return them to the economy, where they can be used again.

Ms. Gilges said in her volunteer work in sustainable materials management, she has heard many

times from residents around the economy, as well as in surveys the County has done with the public, that county residents want to do the right thing with their trash. She said it is the right thing to do to improve everyone's future, but they need basic services for ensuring that the materials they use can be diverted from the landfill by composting organics and by recycling metals, glass, paper, and plastics. She said the County has a responsibility to the community to provide the ability to participate in a circular economy and that she hoped the County would take the time to concern what is needed to invest in this.

Ms. Susan Kruse, Executive Director of the Charlottesville Climate Collaborative (CCC), noted that this day was her son's 10th birthday and in 2050, he will be roughly her age. She said she had the great privilege of leading the CCC. She said that last spring, the CCC had delivered to the Board letters in support of leadership climate action on behalf of 41 businesses, 7 independent schools, 9 social justice organizations, and nearly 1,000 citizens of Charlottesville and Albemarle County all in support of leadership action on climate.

Ms. Kruse said the CCC works with many more businesses and citizens who may or may not have had the ability to attend a Board of Supervisors meeting or to attend Climate Monday work sessions who are telling the organization regularly that they are ready to back up the County and support climate action in the community. She said on July 1, the City of Charlottesville set a leadership goal of a 45% reduction of carbon emissions by 2030 and carbon neutrality by 2050. She said this is now not only a leadership goal, but it is also the bare minimum recommendation by the Intergovernmental Panel on Climate Change that the County needs to achieve in order to avoid the most catastrophic impacts of climate change.

Ms. Kruse said the day prior, she attended the Virginia Clean Energy Summit in Richmond where the Governor made an announcement that he is committing to making sure that Virginia's grid is 30% powered by renewables by 2030 and a carbon-free grid by 2050.

Ms. Kruse said she was telling the Board these things to give Supervisors the confidence that, by adopting the staff recommended goal of a 45% reduction by 2030 and carbon neutrality by 2050, the CCC, business community, social justice organizations, and citizens are behind them. She added that the Governor has now stated that the state will do its part to help achieve those ambitious goals and to make certain that by the time they reach 2050 and her son is standing before the Board of Supervisors, they will have done everything they can to support climate action in the community for his future.

Mr. Karl Quist said he grew up in Southern Albemarle County and lives west of town in Ivy with his wife and two kids. He urged the Board to adopt aggressive county-wide targets for the reduction of CO2 emissions. He said that climate change poses a serious threat to humanity and without government action at all levels, they are condemning their children to the irreversible effects of the threat.

Mr. Quist said that among the many serious impacts of climate change, a warming planet increases both the frequency and intensity of severe weather, which poses a substantial risk to both life and property in the County. He said seven years prior, a severe storm toppled a dozen healthy trees on his property and a massive Oak crashed through the roof of his house and into his nine-year-old daughter's bedroom, collapsing rafters onto her bed. He said fortunately, they were not at home that night and she was unharmed, but the total cost of repairs to their property exceeded \$100,000.

Mr. Quist said that unless the County acts, these types of disasters will occur with increasing frequency and severity. He said to protect the lives and the property of the residents of Albemarle County, he urged the Board to act on this important issue.

Mr. Sunshine Mathon, Executive Director of Piedmont Housing Alliance and a resident of Albemarle County, said that in his professional career, he has seen many times that in addition to housing affordability, the two most impactful day-to-day expenses that affect low-income individuals and families are transportation and utility costs. He said this insight is the primary reason that over the last 15 years in particular, the affordable housing sector across the nation has endeavored to prioritize sustainability principles in affordable housing development.

Mr. Mathon said they recognize that there is a natural alignment in the mission of their work, the mission to build strong foundations from which the households they serve can develop economic resiliency, and the fundamental goals of environmental stewardship, the long-term goals of resource conservation and mitigating the impact of resource consumption on climate patterns. He said that by pursuing one, they uplift the other.

Mr. Mathon said that the efforts that mission-driven non-profits have striven to lift up have achieved significant success nationwide. He said the vast majority of homes, both rental and owned, that have certified under Green Building Rating programs, such as Earth Craft, Enterprise Communities, or LEAP for Homes, are done by the affordable housing sector as opposed to the market rate sector because they look holistically at how they support their clients. He acknowledged the success has been achieved in part because of the partnership of public jurisdictions that recognize the double bottom-line value in the co-investing, benefitting both low-income households and long-term climate action mitigation.

Mr. Mathon thanked the Board for identifying climate action as a regional priority in its planning processes, noting that the fact that many people were present that day was a testament to its

perseverance and commitments. He acknowledged that housing affordability is a high priority for the Board and its constituents. He asked the Board to support staff recommendations in adopting climate goals and to strongly consider opportunities for ensuring a double bottom-line impact, because the families and individuals in Albemarle County deserve no less.

Ms. Krista Townsend, a resident of the City of Charlottesville, said she was attending on behalf of her parents who live in the County in Stony Point, her stepdaughter and her two brothers who live in Troy, and all city and county residents as the air they breathe and the water they drink doesn't follow the lines that humans draw. She introduced her stepdaughter, explaining she lives half the time in the city and the other half in Troy. She said her stepdaughter, who is homeschooled, last year wrote an eight-page paper on the impact of human behavior on water.

Ms. Townsend said she was proud of the initiatives that the City of Charlottesville has taken to adopt a greenhouse gas reduction goal of 45% by 2030 and achieving carbon neutrality by 2050. She encouraged Albemarle County to take the city's lead or take even bolder steps to push the city and UVA to do even more. She said she would like to see requirements for all new construction to build using LEAD standards and place solar panels on all rooftops; and subsidization that makes solar energy an attainable and desirable option for all members of the community.

Ms. Townsend said she would like to see incentives for farmers to farm solar panels as well as crops; incentives for farmers to begin, or continue to farm, sustainably using non-toxic materials, closed loops cycles, and regenerative agricultural approaches that regenerate topsoil, increase biodiversity, and improve the water, eliminate waste pollution, and prepare their farms to better withstand climate change; and incentives for local farmers to sell their products to all members of the community, especially those of lower income who cannot normally afford to buy such high-quality food.

Ms. Townsend continued that she would like to see the creation of infrastructure to support electric vehicles; improvement of the current infrastructure to make biking and walking more feasible forms of transportation; investment in green businesses by providing grants and low interest loans to grow small local green businesses and cooperatives; restrictions on the use of single-use plastic and plastic bags; and education, funding, and facilitation to help support homeowners to transition to native plants and landscapes that help reduce stormwater runoff and reduce pollution in the local waterways.

Ms. Townsend said that though the City of Charlottesville has done a great thing with their goal of carbon neutrality by 2050, she feared that it was not enough. She challenged Albemarle County to do better and to push UVA and the city to join them.

Mr. Mark Hahn, President and Owner of Harvest Moon Catering, said he had the privilege to be a part of a vibrant community in Albemarle and Charlottesville. He said he was struck by a few things about the climate action process, first and foremost being the common-sense reality that, at this point in juncture, the majority of society and culture are of the belief that climate action needs to be taken. He said this common-sense reality then seems to dictate that there is an opportunity to seize.

Mr. Hahn said he feels lucky to be supported by people in the sustainability community who are far more invested in the process of how to make this happen. He said he was struck by the fact that as a business owner, he finds that the business practice of presenting a sustainable business has proven to be an advantage for him. He said it is a viable belief for the business to follow through to make sure they maintain the most sustainable footprint that they can on both waste and energy.

Mr. Hahn said that all of these things fall short without two things, and one of them is a goal. He said he understood that business doesn't move on a dime, and unless the County sets something that has a future goal for businesses to follow, it will not happen. He said it will take time to shift and move businesses to adjust and change to the climate reality the community is facing. He said the most important thing left is leadership.

Mr. Hahn told the Board that they are the community's elected leaders and the hope is that, with the support and voices present, common sense and an opportunity in front of the Board compels them to set those goals that the community can attain by moving aggressively, but with good business sense to make the climate action plan viable. He said they look to the elected leaders to take care of the community and its citizens.

Ms. Beth Kuhn, Jack Jouett District, said she was present to voice her personal opinion and not on behalf of any particular organization. She said she would particularly like to address the emotional impact, both of climate change and of the actions the Board could take.

Ms. Kuhn voiced strong support for the resolution that she read on the County's website to reduce greenhouse gas emissions and applauded inclusion of the 45% reduction in emissions by 2030 goal, as well as carbon neutrality by 2050, since those are the minimal goals needed. She expressed gratitude to the Board for the action they have taken so far on climate planning and said she looked forward to listening to the report that afternoon.

Ms. Kuhn said that when climate began to be on the agenda in the 1980s, and moving through the 1990s-2010s, it has been frustrating to observe on a global level how the carbon parts per million

continue to go up without any reasonable compensation in sight, and how the climate impacts that are observed and felt become more visible and newsworthy every day. She said she has moved from the anxiety and frustration for missed opportunities to a feeling of grief for places that she knows and loves where changes can already be seen and that may not be able to revert to what is considered normal in the experience of a stable climate.

Ms. Kuhn said she also grieves for the children and grandchildren who will have a harder time than adults now. She pointed out, however, that adopting the resolution the Board has proposed is an important step because inaction is paralyzing, but action is motivating. She said if the Board adopts this and starts to provide a roadmap, that this would provide hope for people, including her, and will also enable businesses, individuals, and institutions to know what they need to do to make changes.

Mr. Kirk Bowers, a 32-year resident of the Rivanna District and retired engineer, said he was also a recently retired Sierra Club staff member. He said he is exposed to much of the climate change information that the Board does not receive. He encouraged the Board to take aggressive action, expressing that now is the time to act. He said the climate crisis is here and now, with massive wildfires ravaging fragile habitats. He said there are city taps that are running dry, drought scorching the land, and massive floods destroying people's lives and homes.

Mr. Bowers asked the Board to continue their actions. He noted that July 2019 was the hottest month in recorded human history, sea level is rising and accelerating rapidly, polar ice caps are melting rapidly, and a million species may perish in the next 80 years. He encouraged the Board to authorize the County to become a member of ICLEI and requested the Board to direct staff to add the resolution to establish community-wide greenhouse gas emissions target to next month's Board meeting for its consideration and approval, adding that they cannot wait.

Mr. Bowers said the situation is serious and that localities must invest in adapting to the climate crisis or pay a much heavier price in the future. He said they must invest in a massive effort to adapt to conditions that are now inevitable.

Mr. Bowers invited the Board to attend an event on September 28 at Humpback Rocks called "Hands Across the Appalachian Trail." He said officials for Nelson and Staunton were coming to speak. He said the trail runs through northern Albemarle County and is an important part of the community's culture. He said the event starts at 11:00 am at the Humpback Rocks Visitors Center.

Ms. Rosina Snow, a resident of the City of Charlottesville, said she was on staff at a local church with congregants from the County and city. She said she is also involved with Virginia Interfaith Power and Light, which is an organization that works with congregations to address the climate crisis. She said she was attending in three capacities, with the first for herself as a young person having watched world leaders fail to prevent the climate crisis now unfolding. She said she realized that they must start actions at the local level and urged the Board to be the heroes needed at that time at the local, regional level.

Ms. Snow said she was also present as the mother of a 14-month-old baby girl who, even in the best case scenario, will never know what it's like to live on a planet with a safe and stable environment, and with the biodiversity that she herself grew up in. She urged the Board, for her daughter's sake, to vote for leaving pollution in the past and moving towards clean energy and ecological restoration.

Ms. Snow said that most importantly, she was present as a person of faith and a follower of Jesus Christ. She said she could tell the Board about ways that climate change is already affecting people in their congregation and their building, with flooding and costs associated with that. She said that for the church, this is a spiritual issue. She said that Jesus sets a clear standard that people are judged by how they treat the most vulnerable people in the world, and when people continue to pollute the water people drink or the air they breathe, or allow the climate crisis to become worse than it already is, they are hurting the most vulnerable people.

Ms. Snow said recently, a 12-year-old girl addressed the congregation and urged them to take strong climate action. She said she spent most of her time advocating not for herself, but for people in Union Hill who are being faced with a compressor station. She said she hoped that this spirit of compassion, vision, and love is with the Board as they vote for bold climate action at the regional level and that this may become a groundswell that spreads nationally and globally.

Mr. Tom Olivier, Samuel Miller District, said he was speaking for Advocates for a Sustainable Albemarle Population (ASAP). He said he is living in an era of multiple environmental crises, and climate change stands out among them because if action isn't taken forcefully and quickly to contain it, opportunities to do so will be gone. He said ASAP fully supports the proposed climate actions that the Board will discuss later that afternoon. He said the prospects for good lives of the future generations and survival of the biosphere both rely on such actions now.

Mr. Olivier said that if climate change were to magically go away overnight, mankind would still be threatened by other severe, self-inflicted environmental crises by diversity losses, degradation of agricultural lands, and many more. He said the big question for mankind is, can it quickly and broadly repair its relationships with the natural world. He said that half-measures won't do. He said the IPBES Biodiversity Extinction Report said that wide-ranging transformations of human societies will be needed if

they are to return to environmental sustainability. He said, for example, a circular economy is needed rather than a linear one.

Mr. Olivier said the next Comprehensive Plan update will present County plans to 2040 and beyond. He said that by the end of that planning period, they will have either largely resolved many pressing environmental problems or will be staring at runaway degradation of the natural support systems. He said that ASAP thus proposes that in the next Comprehensive Plan, climate action and pursuit of environmental sustainability should be pervasive, overarching themes.

Ms. Emily Little said she is a parent to a kindergartner, a first grader, and another son, present with her. She said she is a homeowner in Albemarle County. She said the last time she attended a Board meeting, she spoke about her daughter starting kindergarten and was close to tears because, in 2032 when she graduates high school and her future begins, it may be over because of the decisions of adults and their ignorance in not paying attention to what scientists say on climate change.

Ms. Little said there is a climate crisis, and the United Nations projects that if major systemic changes are not made by 2032, then they may have made it impossible to save planet Earth, their home. She said that the year her daughter can vote, she may not have anything to vote for. She said that when her daughter looks her in the eye in 2032, she will be 18 years old and likely angry and that she did not want this to be because her mother and other adults in her life sat on the sidelines while the climate crisis happened.

Ms. Little said that this is why on September 20, one month after the children started school this year, she will be joining them for the climate strike. She said her son wanted the Board to know that students in Albemarle and Charlottesville Public Schools, and many independent schools, will be striking from school that Friday to bring attention to the climate crisis. She said they will be meeting at the Free Speech Wall from 12:00-1:00 pm, and she invited the Board to come and experience what the youth community is asking from leadership.

Ms. Little said that Greta Thunberg is a Swedish student who started the movement because she felt that if adults were not willing to prepare the planet for the next generation, then why should today's children be spending their childhood preparing for a future that doesn't exist. She said she will be pulling her children out of school on September 20. She said she wanted them to love school and focus in school, but there is adult work that is not being done, and if the adults don't do it then the children cannot go to school because they are not leaving them with a future.

Ms. Little said that one of Greta's most devastating statements was, "You say that you love your children above everything else, and yet you are stealing their future." She said the crisis cannot be solved without treating it as a crisis. She said Bill McKibben, the founder of 350.org, added, "If a kid says help, you help." She said as parents and community members, their jobs are to help their kids, keep them safe, love them, and make sure they have a life to look forward to. She expressed her excitement to tell the kids on Friday that Charlottesville recycles and hoped that Albemarle County would not disappoint them.

Ms. Laura Allen, Jack Jouett District, expressed her appreciation to the Board for its work thus far on the climate action plan and for making it its number one priority for the 2020-2022 initiatives. She said the climate action planning process is incredibly important and that the Board has shown their support by involving the community with Climate Action Mondays and the formation of the support groups that are helping to create the plan and have helped to create the documents on the Board's agenda.

Ms. Allen said she served on the Transportation group community group. She said that through the groups, the Board has shown that community involvement is important to them. She said she appreciated this, but that while reducing carbon emissions is an admirable goal, simply setting the goal without measuring where the County is now is pointless. She said it was akin to someone saying they want to lose weight but refusing to buy a scale. She said the County must measure where they are now in order to see how far they will have come and to celebrate successes with voters to demonstrate where their dollars are going.

Ms. Allen encouraged the Board to join ICLEI, which is the International Council for Local Environmental Initiatives. She said ICLEI is an extremely important service that will help county staff to do their job in making the measurements and will help them formulate the plans. She said there is extremely detailed research required in order to do this, and ICLEI has done much of this work for them so that they are not being pulled away from other tasks that the County has set them to. She said that simply subscribing to and joining this service will help them to achieve these goals. She again asked the Board to join ICLEI to demonstrate that they support staff and are genuine about achieving their goals.

Mr. Chris Meyer, Executive Director of the Local Energy Alliance Program, said he was present to provide the Board with an update on some of the work they had been doing over the past year for the County in order to reduce utility bills and address climate change. He said the pilot program was successfully implemented based on the following metrics. He said LEAP performed 121 home energy checkups, assisting residents in understanding their energy usage and ways they can reduce their utility bills. He said those checkups, along with small rebates funded by the County, worth more than \$3,000, catalyzed nearly \$40,000 of private investment. He said this was a 13:1 leveraging of county money.

Mr. Meyer added that LEAP leveraged another \$4,000 of money from Dominion Utility to make improvements to three low-income households, with eight more households in the queue with improvements worth more than \$20,000.

Mr. Meyer said that the County residents that LEAP has helped and are taking actions will now be saving at least \$4,000 a year on their utility bills, which is money that can be spent on the economy in the County.

Mr. Meyer said the set of activities LEAP executed for the County offer an example of the direct and indirect benefits of taking action to address climate change locally. He said that this type of climate action makes the County's economy more efficient, keeps affordable housing stock affordable, and supports the resiliency of some of the County's most vulnerable residents. He encouraged the Board to keep the climate action plan process moving and, if anything, have the County staff accelerate it.

Ms. Marcia Geyer, a city resident who owns property in the County, said she is a climate activist with the Cville 100 Climate Coalition for the Charlottesville Albemarle area. She said the coalition has been closely watching the County's climate action planning process. She said that Lance Stewart and other staff has done a good thing by opening the process to public input through Climate Mondays and the sector teams. She said that although taking more staff time than if the public wasn't involved in the planning process, the input was enriched by the participation of some very knowledgeable volunteers.

Ms. Geyer also praised staff's practical focus on tackling the areas in both a reduction of greenhouse gases and financial savings to the County are most readily achievable, such as already greatly reducing the energy use of county buildings, which the Board would hear more about when staff gives their report. She said she looked forward to knowing of similar gains in the transportation sector, the expansion of solar on county buildings, and even county facilitation of more sustainable farming practices. She said a very effective climate action plan must help transform the many ways that county residents and businesses overuse energy from fossil fuels.

Ms. Geyer said it was her hope that Albemarle County government will lead by example and that their redesigned county website will allow for climate education and information sharing to do this.

Mr. Charles Battig said that at the Board of Supervisors meeting two weeks prior, several lobbyists spoke. He said that one was concerned that her favorite bird was not showing up on time. He said he shared her concern, but that she would be grateful that this bird showed up at all and avoided 200-mile-per-hour wind turbine blades chewing up over hundreds of thousands of birds every year, as documented by the Audubon society, while providing only intermittent renewable energy.

Mr. Battig said she should be thankful the bird missed the massive commercial solar farm, such as proposed for Southern Virginia, which would cause a sudden climate change in the fields being put into a perpetual "twilight zone" in place of natural daylight. He said though solar panels depend upon mining of toxic, rare earth minerals by children in Africa and the use of toxic chemicals in solar panels manufacturing in China, once in place, these panels begin leaching out toxic chemicals into the soil, killing parts of the natural food chain for that bird, all for intermittent renewable energy (always backed up by reliable fossil fuel).

Mr. Battig said another lobbyist made the claim that many happy commercial interests were present because of county staff climate proposals. He said he did not doubt this, and that he would be happy to get the Board to impose laws restricting freedom of choice, requiring purchase of his unique products, and impose taxes on the working class to pay for it. He said if these products were so good and would save the earth, as claimed, they should allow the free market and the public decide, as it should be an easy sell. He said instead, paid lobbyists and stakeholders want government favoritism at the taxpayers' expense.

Mr. Battig said that "carbon-free" is a wordsmithing scam. He said that people are all carbon-based lifeforms and eat carbohydrates to stay alive. He said it has become a politically-disguised term for carbon dioxide, of which people exhale 4%, 100 times what the natural atmosphere is. He said plants live on CO2 and give oxygen in return, and also use less water with more CO2. He said the impact of manmade CO2 on global climate temperatures is too small to be scientifically identified, despite of what others claimed. He said the number one greenhouse gas at 90% is water vapor, as in the clouds, and that the people running the climate computers admitted such. He said they cannot account for it and many "scare stories" are based on it.

Mr. Battig said shameful are the tactics of frightening children and those trusting in the government. He said the current general secretary of the World Meteorological Organization agrees, saying that, "The alarmist narrative of climate change has gone off the rails."

Mr. Sean Tubbs, Piedmont Environmental Council, stated he works for an organization. He said that as a member of the Transportation sector group, he wanted to remind the Board that the investments they will make in this area fit many goals. He said not only will they help the Board reduce greenhouse gas emissions, but investments in sidewalks and public transportation will make the County a more attractive place to live and work, attracting economic development dollars. He said it also reduces traffic congestion.

Mr. Tubbs said he appreciated the thought and deliberation that has gone into the process to arrive to this point and appreciated the healthy debates about the issue. He said the 21st century has, so far, brought very complex problems and that it will take complex, multiple solutions. He recalled that 12 years prior, the Board of Supervisors unanimously adopted the Cool County Initiative. He said four years later, one member of that body changed his vote later on. He said the auditorium, in 2011, was packed with people to discuss membership in ICLEI. He said it was a fraught, politically charged debate and the County went in a different direction.

Mr. Tubbs said that since then, the National Oceanic and Atmospheric Administration has kept records since 1880, and the top five warmest years to date from the research he did were 2014, 2015, 2016, 2017, and 2018. He said that in this time, something has happened, and many people are concerned.

Mr. Tubbs said that PEC, they believe that one of the best ways to reduce emissions is to stick with the development area the County has and support and encourage compact development that keeps people out of their cars and makes them healthier as they are walking around. He said he took the bus to the meeting that day and that a favorite part of his job is working on transit and trying to figure out how to take the complex problems and build a better community.

Mr. Tubbs said he was interested in how the circular economy can be used to put people to work to begin to think, with hope, that it can be approached without fear and to call upon the best inside of them to work together and make things better so that the young children have a chance to grow up in the world.

Mr. Lonnie Murray, White Hall District, said that during his time on the Natural Heritage Committee, he had the pleasure of visiting a rare habitat in Albemarle County with small dogwood trees and white paper birch. He said that when people think about climate change, they think about the impact on species far away, such as polar bears, but that there are habitats in Albemarle County that are on the front line. He said that just as the impacts of climate change are local, so are the benefits of addressing climate change.

Mr. Murray said that many of the same actions they need to address climate change, such as preserving tree cover, planting native plants, fencing cattle-lotted streams, and rotational grazing also have water quality benefits. He said these can also help to reduce things such as heat island effects, prevent respiratory illness, and provide critical habitat for declining species such as pollinators and bald white quail. He said that in looking at the benefits of addressing climate change, he encouraged the Board to also think locally about the benefits to the local habitats and species.

Mr. Murray added that, regarding The Regents School application, he encouraged the Board to consider the University Montessori School and the impacts to those students as well as to Moore's Creek and dark skies.

Ms. Elizabeth Williams, Samuel Miller District, said she was speaking as a retired pediatrician and therefore, for the children of Albemarle County. She said she is also a board member of the environmental group Wild Virginia.

Ms. Williams applauded Albemarle County for its actions in facing climate crisis, noting that it was a daunting task and that it takes everyone's participation. She said that every location on the earth is the front lines in fighting climate change and that the County certainly was. She said children face a grim future if nothing is done, and they are asking adults to do something. She reminded the Board of the climate strike to take place that Friday. She said the most important thing that can be done is to give children hope and support. She said the children are growing up in an insecure world that most adults could not have imagined when they were children or even a few years ago, and that the data coming in day by day is worse.

Ms. Williams said no one knows how the climate environmental crisis will unwind, but that there is reason for hope. She said the County has the know-how to turn it around if it decides to. She said that summer, the cost of industrial-scale solar energy with stack battery storage has come down to be as cheap as natural gas, and that it is now sustainable and no longer intermittent.

Ms. Williams said climate action is the greatest challenge that humanity has ever faced and that local communities are now the ones having to respond, especially when there is a national federal government that ignores, or actually obstructs, action. She said it falls on the localities and that they are challenged and enabled by the challenge. She said the opportunity to make a difference in the world may be the most profound action that humanity will have every made on the planet.

Ms. Williams thanked the County for recognizing that forest trees in the environment of the local land makes a huge difference in the fight against climate change.

Mr. Devon Welch, Scottsville District, said he is a parent and business owner. He thanked the Board, noting that real leadership starts with listening, and its willingness to invite the public to be a part of the process from start to finish is what leadership is all about. He said two things that everyone in the

room that day had in common was that they all care about Albemarle County and that they all care about what their shared future will look like in the County.

Mr. Welch pointed out the positive impact the embrace of a real 21st-century sustainability policy can have on Albemarle County. He said he has had a front-row seat to the growth of the local renewable energy industry in Charlottesville and Albemarle, noting it was an under heralded powerhouse. He said that the area is at the vanguard of the renewable energy industry and is now a major East Coast hub of climate solutions. He said currently, there are over 400 residents of Charlottesville and Albemarle who earn their living doing this work and that they are good, family-supporting jobs. He said his company alone has created over 75 of these jobs and is poised to double the number in the coming year.

Mr. Welch said that climate action is an incredible economic opportunity and is one that the private sector has grabbed a hold of locally. He asked that the public sector follow suit and share the recognition that there is a mantle of leadership and tremendous rewards that come with seizing that mantle. He said he was speaking on behalf of the 75 members of his organization. He said that they have worked hard on being at the forefront of the renewable energy movement and that they would like to see the public sector join them in this effort.

Mr. Welch asked that the Board embrace the IPCC recommendations to reduce emissions by 45% by 2035 and become carbon-neutral by 2050, as recommended by staff. He said it is essential to protecting the environment as well as to ensuring that Central Virginia's growing renewable energy economy can continue to grow and thrive and continues to grow jobs in the region. He said a modern, comprehensive, science-based emissions target is very much a job creator and is the right choice for Albemarle.

Ms. Palmer asked if Mr. Welch could name his organization.

Mr. Welch said he was representing his business, Sun Tribe Solar, based in Charlottesville with 75 team members.

Mr. Tim Michel, Free Union, said that what the Board is doing on climate action is very important and pointed out that the Board is the front line as they are taking a local government position on climate action. He expressed that this work was commendable.

Mr. Gallaway closed the public comment portion of the meeting.

Agenda Item No. 8. Consent Agenda.

Ms. McKeel **moved** to adopt the Consent Agenda. Ms. Mallek **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, and Ms. McKeel.
NAYS: None.

Item No. 8.1. Approval of Minutes: October 3 and November 14, 2018; and March 20, 2019.

Ms. Palmer had read the minutes of October 3, 2018 and found them to be in order.

Ms. Mallek had read the minutes of November 14, 2018 and found them to be in order.

Mr. Gallaway had read the minutes of March 20, 2019 and found them to be in order.

By the above-recorded vote, the Board approved the minutes as read.

Item No. 8.2. Authorizing Edward Byrne Justice Assistance Program Grants.

The Executive Summary forwarded to the Board states for the past six years, the U.S. Department of Justice (DOJ) has provided grant funds to the County through the Edward Byrne JAG Program to support enhanced community policing projects and activities. The County applied for the FY2019 grant on August 23, 2019. As in previous years to comply with the requirements of the DOJ, the Chair of the Board of Supervisors is required to sign the "Certifications and Assurances by the Chief Executive of the Applicant Government" to accept a future grant award.

The funding from these grants will provide the Albemarle County Police Department's Community Support Services Division additional resources to develop, often working directly with citizens, overtime projects and activities involving problem solving, crime prevention, community relationship building and safety enhancement.

Although the Board adopted a Resolution on November 7, 2018 authorizing the Board Chair and the County Executive to execute Edward Byrne Justice Assistance Program Grant documents generally, one of the conditions of this FY 19 Grant is that the Board certify that the County's grant application was

submitted to the Board for its review not less than 30 days before the Certification. If the County is awarded this grant, the Certification will be endorsed on or after October 18, 2019.

Signature on the FY 19 Certifications and Assurances for the Edward Byrne JAG Program Local Solicitations will result in acceptance of any future FY 19 grant funds for its Community Policing Program.

Staff recommends that the Board adopt the attached Resolution (Attachment B) authorizing the Chair to sign Certifications and Assurances for the FY 19 Edward Byrne JAG Program after the County Attorney's approval.

By the above recorded vote, the Board adopted the attached Resolution (Attachment B) authorizing the Chair to sign Certifications and Assurances for the FY 19 Edward Byrne JAG Program after the County Attorney's approval:

**RESOLUTION TO AUTHORIZE
THE FY 19 EDWARD BYRNE JUSTICE ASSISTANCE GRANT**

WHEREAS, the U.S. Department of Justice may award the County of Albemarle an Edward Byrne Justice Assistance Grant (the "Grant") for Fiscal Year 2019; and

WHEREAS, the final award of the Fiscal Year 2019 Grant is conditioned on the execution of certain "Certifications and Assurances by the Chief Executive of the Applicant Government;" and

WHEREAS, the U.S. Department of Justice has indicated that for purposes of this Grant Program, it now considers the Chair of the Board of Supervisors to be the "Chief Executive of the Applicant Unit of Local Government."

"WHEREAS, as a condition of the grant, the County must certify that its grant application (and any amendment to that application) was submitted for review to the local governing body, or to an organization designated by that governing body, not less than 30 days before the certification."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby certifies that the County's application for the FY 19 Edward Byrne Justice Assistance Program Grant was submitted to the Board for its review, and authorizes the Chair and/or the County Executive to execute "Certifications and Assurances by the Chief Executive of the Applicant Government" for the FY 19 Edward Byrne Justice Assistance Grant Program on behalf of the County, once those Certifications and Assurances have been approved as to form and substance by the County Attorney.

Item No. 8.3 ZMA200400007 Belvedere Special Exception to Application Plan and Code of Development (Variation #60).

The Executive Summary forwarded to the Board states that the applicant is requesting a special exception to vary the Belvedere Code of Development and Application Plan approved with ZMA200400007. The applicant's proposal and plan are provided as Attachment A.

County Code § 18- 8.5.5.3 allows minor variations to codes of development and application plans, provided major elements and features remain the same.

60) Variation to modify the Preservation Area in Block 9 as shown on the Application Plan and in the Code of Development to Greenspace Area

Staff analysis of the request is provided as Attachment B.

Staff recommends that the Board adopt the attached Resolution (Attachment C) approving the special exceptions, subject to the condition attached thereto.

By the above-recorded vote, the Board adopted the attached Resolution (Attachment C) approving the special exceptions, subject to the condition attached thereto:

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
TO VARY THE CODE OF DEVELOPMENT
APPROVED IN CONJUNCTION WITH ZMA200400007 BELVEDERE**

WHEREAS, the Owner of Tax Parcels 062G0-00-07-000C0 and 062G0-00-09-000A0 filed a request for a special exception to vary the Code of Development approved in conjunction with ZMA200400007 Belvedere to allow a minor variation to modify the Preservation Area in Block 9 to Greenspace Area.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-33.43 and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Code of Development approved in conjunction with ZMA200400007 Belvedere as requested, subject to the condition attached hereto.

* * *

**Special Exception to Vary the ZMA200400007 Belvedere
Code of Development Condition**

1. The variation to modify the Preservation Area to Greenspace Area shall be limited to Block 9 as set forth in the Applicant's June 13, 2019 application, including the June 12, 2019 letter from Roudabush, Gale & Associates, Inc. to the County's Zoning Administrator, a drawing by Roudabush, Gale & Associates, Inc. dated June 1, 2019 and revised on August 1, 2019, and a graphic of Table 4 setting forth the Greenspace Area tabulation adjusted for this special exception.

* * * * *

Block 9 Preservation Skys

Page 1

COUNTY OF ALBEMARLE

APPLICATION FOR A SPECIAL EXCEPTION

<input type="checkbox"/> Request for a waiver, modification, variation or substitution permitted by Chapter 18 = \$457	<input checked="" type="checkbox"/> Variation to a previously approved Planned Development rezoning application plan or Code of Development = \$457
OR	
<input type="checkbox"/> Relief from a condition of approval = \$457	Provide the following <input checked="" type="checkbox"/> 3 copies of the existing approved plan illustrating the area where the change is requested or the applicable section(s) or the Code of Development. Provide a graphic representation of the requested change. <input checked="" type="checkbox"/> 1 copy of a written request specifying the provision of the plan, code or standard for which the variation is sought, and state the reason for the requested variation.

Provide the following
☐ 3 copies of a written request specifying the section or sections being requested to be waived, modified, varied or substituted, and any other exhibit documents stating the reasons for the request and addressing the applicable findings of the section authorized to be waived, modified, varied or substituted.

Project Name : _____ Belvedere

Current Assigned Application Number (SDP, SP or ZMA) ZMA 200400007

Tax map and parcel(s): _____ 60-160, 62-A3-1

Applicant / Contact Person _____ Don Franco; Roudabush, Gale, & Assoc. Inc.

Address _____ 914 Monticello Rd _____ City _____ Charlottesville _____ State _____ VA _____ Zip _____ 22902

Daytime Phone# (434) 977-0205 Fax# (_____) _____ Email _____ dfranco@roudabush.com

Owner of Record _____ New Belvedere Inc. (61-160); Belvedere Land Holdings, LLC (62-A3-1)

Address _____ 610 Rio Rd W _____ City _____ Charlottesville _____ State _____ VA _____ Zip _____ 22901

Daytime Phone# (434) 242-6122 Fax# (_____) _____ Email _____ skhron@resortcompanies.com

County of Albemarle
Community Development
401 McIntire Road Charlottesville, VA 22902 Voice: (434) 296-5832 Fax: (434) 972-4126

* * * * *

APPLICATION FOR A SPECIAL EXCEPTION

APPLICATION SIGNATURE PAGES

VERIFICATION OF THE SIGNATURE ON THE NEXT PAGE MUST HAPPEN BEFORE THE APPLICATION MAY BE DEEMED COMPLETE

If ownership of the property is in the name of any type of legal entity or organization including, but not limited to, an LLC, a corporation, a partnership or association, or a trust, then a document acceptable to the County must be submitted with this application certifying that the person signing has the authority to do so.

If the applicant is a contract purchaser, a document acceptable to the County must be submitted containing the owner's written consent to the application and must include any applicable documents authorizing that person to provide consent.

If the applicant is the agent of the owner, a document acceptable to the County must be submitted that is evidence of the existence and scope of the agency. Please attach the owner's written consent.

One (1) copy of the applicable ownership information.

CHECK AS APPLICABLE	OWNERSHIP OF THE PROPERTY IS A	DOCUMENT TO BE PROVIDED FOR THIS APPLICATION
<input checked="" type="checkbox"/>	Limited liability company ("LLC")	The articles of organization and when the power is delegated to someone other than a manager or a member, also the operating agreement.
<input checked="" type="checkbox"/>	Stock & Nonstock corporation	
<input type="checkbox"/>	for a board of directors	Stock - the articles of incorporation or a shareholders agreement may limit the board's statutory authority. Nonstock - the articles of incorporation and the by-laws, the latter of which may include a member or director agreement, may limit the board's statutory authority
<input checked="" type="checkbox"/>	for a person expressly authorized by the board of directors	written evidence of that authorization such as a board resolution or board minutes
<input type="checkbox"/>	for a committee	an action of the board of directors authorizing the committee to act; the articles of incorporation or the by-laws may limit the statutory authority
<input type="checkbox"/>	for a corporate officer	the by-laws or the delegating resolution of the board of directors.
<input type="checkbox"/>	Partnership	The statement of partnership authority, which may limit the authority of one or more partners.
<input type="checkbox"/>	Limited partnership	The partnership agreement, or amendments thereto, which may limit the authority of one or more general partners.
<input type="checkbox"/>	Incorporated & Unincorporated church and other religious body	(1) for trustees, an authorizing court order (2) for the corporation holding title, the appropriate corporate documents (2) for a bishop, minister or ecclesiastical officer, the laws, rules or ecclesiastical polity of the entity that authorizes the person to hold, improve, mortgage, sell and convey the property.
<input type="checkbox"/>	Land trust	The deed of conveyance to the trustees and the trust instrument

See Attachment A in the Land Use Law Handbook for a complete list of Authorized Signatories for Land Use Applications

Page 2

COUNTY OF ALBEMARLE

APPLICATION FOR A SPECIAL EXCEPTION

APPLICATION SIGNATURE PAGE

If the person signing the application is someone other than the owner of record, then a signed copy of the "CERTIFICATION THAT NOTICE OF THE APPLICATION HAS BEEN PROVIDED TO THE LANDOWNER" form must be provided in addition to the signing the application below. (page 3)

Owner/Applicant Must Read and Sign

By signing this application, I hereby certify that I own the subject property, or have the legal power to act on behalf of the owner of the subject parcel(s) listed in County Records. I also certify that the information provided on this application and accompanying information is accurate, true, and correct to the best of my knowledge. By signing this application, I am consenting to written comments, letters and or notifications regarding this application being provided to me or my designated contact via fax and or email. This consent does not preclude such written communication from also being sent via first class mail.

New Belvedere Inc
by [Signature]
Signature of Owner / Agent / Contract Purchaser

Date 6/13/2019

Steven C Krohn
Print Name

434 242 6122
434-220-7701
Daytime phone number of Signatory

FOR OFFICE USE ONLY APPLICATION# _____ Fee Amount \$ _____ Date Paid _____

By who? _____ Receipt # _____ Clk# _____ By _____



LAND SURVEYING
ENGINEERING
LAND PLANNING

JIM E. TAGGART, PE
DON FRANKO, PE
DAVID M. ROBINSON, PE
AMMY M. GEORGE, L.A.

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WILLIAM J. LUDWIG, L.S.
BRIAN D. JAMISON, L.S.
DAVID A. JORDAN, L.S.
KRISTOPHER C. WINTERS, L.S.

June 12, 2019

Mr. Bart Svoboda
Zoning Administrator
Albemarle County Department of Community Development
401 McIntire Road
Charlottesville, VA 22902

RE: Belvedere Special Exception Variance
Block 9 Preservation Strip

Dear Bart:

This special exception request was designed to address several existing development issues in Block 9, Section IIA. First and foremost, the original plat for this section, recorded 2/13/2015 did not address the future extension of the sanitary sewer through Lot 196. In working with the lot owner to address his concerns, a number of additional requirements (i.e., extension of their property line and construction of retaining walls immediately adjacent to an ACSA easement) became necessary. After reviewing the various issues and existing development constraints, we propose to change the designated preservation area behind lots 196 through 201 to a combination of open space, common area and lots. We also propose to clarify how the metrics in Table 4 shall be applied.

As part of the original Code of Development, the developer designated various greenspaces as either preservation, conservation or open space. Preservation areas were provided at the perimeter of the development to provide an undisturbed buffer between Belvedere and adjacent residential units. Conservation areas were established as buffers to help protect important design elements and specific open spaces. Finally, other greenspaces designated open spaces and some recreational amenities. The preservation area of interest was placed along the southeastern edge of Phase IIA to provide an undisturbed buffer to an adjacent undeveloped parcel, the Adams Tract and residential lots in the Dunlora Subdivision. Since that time, the Adams parcel has been purchased by the developer and is being developed as part of Belvedere. As such, the preservation area is no longer required.

In addition to addressing the design oversight mentioned above, our proposed solution will allow for a more comprehensive design. The low-lying area between the two internal neighborhoods is a natural place to waste excess cut and topsoil. This ultimately creates more usable open spaces and more level backyards. If the preservation area is maintained, future development will likely require export of excess cut, stressing internal and external roads, and create a preservation bound by retaining walls on both sides. I've attached two exhibits which explain our request. The first exhibit shows the preservation area we are discussing. The second shows how it facilitates future development.

Our request also includes amendment of the Table 4 Green Space Tabulation and Variation #13's table augmenting and clarifying open space. Specifically, Table 4 is amended to show the preservation strip shifting to other green space and to note that the

"Performance metrics in this table are 83.88 acres of total green space and general placement of preservation and conservation areas. The individual acreages of individual preservation, conservation and other green spaces are estimates and may vary by block as long as the intent of the individual space is achieved."

We believe that these modifications further clarify the intent of the Table and Code of Development and provide the necessary flexibility to continue developing without numerous minor variances and without effecting the general development plan.

Please do not hesitate to contact me with your questions and concerns.

Sincerely,



Don Franco, PE
Roudabush, Gale and Associates
914 Monticello Road
Charlottesville, VA 22902

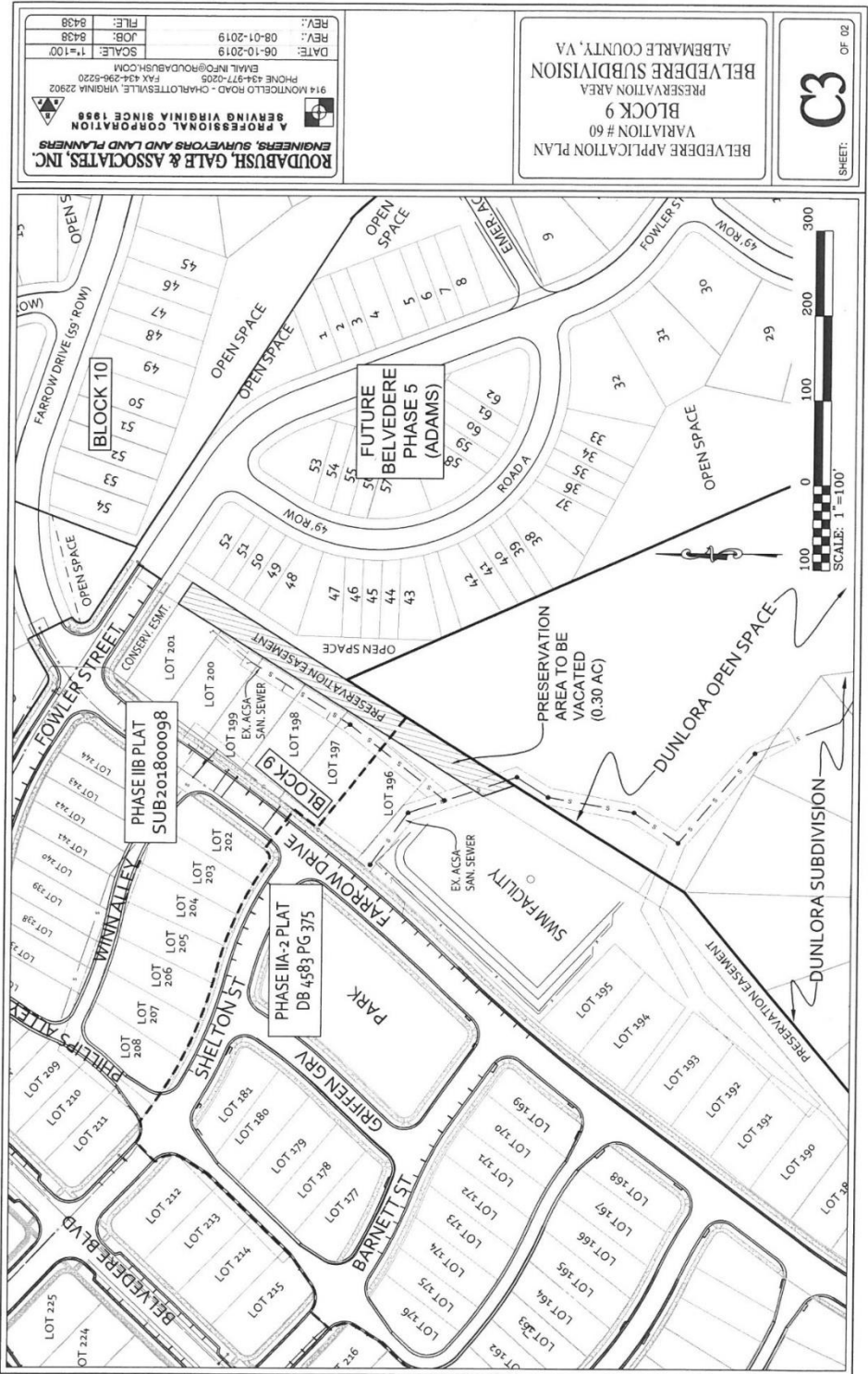


TABLE 4 GREEN SPACE TABULATION (Adjusted per Variation #60)					
PARK OR GREEN SPACE	BLOCK LOCATION	CONSERVATION AREA (AC)	PRESERVATION AREA (AC)	OTHER GREEN SPACE (AC)	
PARK A	1	2.3*			
BLOCK 1	1			0.4	
OPEN SPACE BLOCK 2	1 & 2		1.2*	5.0*	
BLOCK 2, COMMONS AND GREENWAY	2			0.7*	
BLOCK 3 OPEN SPACE INCLUDING SWM #3	3			4.22	
SWM #4	3			0.48	
VILLAGE GREEN	4			1.4*	
Roundabout #2 corner pocket parks	4			1.2*	
PARK E	5			0.53*	
LINEAR PARK F	6			4.12*	
PARK G	7			0.75*	
PARK H	8			0.2*	
OPEN SPACE BLOCK 9	9	0.73	1.2	1.76*	
BLOCK 9 PRESERVATION EASEMENT	9	0.09	0.5	0.3	
LINEAR PARK J	9 & 10	5.35*			
OPEN SPACE BLOCK 10	10	3.51*	4.59		
LINEAR PARK K	10			0.8*	
PARK L	10			0.5*	
PARK M	10			0.2*	
RIVANNA RIVER BOTTOMLAND	10	41.85*			
TOTAL		53.83 Acres	7.49 Acres	22.56 Acres	83.88 Acres Total Green Space or 40% of Site

Item No. 8.4. Resolution to accept road(s) in the Old Trail Subdivision Block 15 into the State Secondary System of Highways. *(White Hall Magisterial District)*

By the above-recorded vote, the Board adopted the Resolution to accept road(s) in the Old Trail Subdivision Block 15 into the State Secondary System of Highways:

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 1st day of May 2019, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Old Trail Block 15 Subdivision**, as described on the attached Additions Form AM-4.3 dated **September 18, 2019**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Old Trail Block 15 Subdivision**, as described on the attached Additions Form AM-4.3 dated **September 18, 2019**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

Report of Changes in the Secondary System of State Highways

Project/Subdivision **Old Trail Block 15**

Type Change to the Secondary System of State Highways:

Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: 33.2-705, 33.2-334

Street Name and/or Route
Number

◆ **Fielding Run Drive, State Route Number 1909**

Old Route Number: 0

- From: Rt 1906, Glen Valley Drive

To: 0.04 Miles South to Rt 1907, Rowcross Street, a distance of: 0.04 miles.

Recordation Reference: DB 4705; PG 656-657

Right of Way width (feet) = 0

Street Name and/or Route Number

◆ **Rowcross Street, State Route Number 1907**

Old Route Number: 0

- From: Rt 1908, Claremont Lane

To: 0.09 Miles East to Rt 1909, Fielding Run Dr, a distance of: 0.09 miles.

Recordation Reference: DB 4705; PG 656-657

Right of Way width (feet) = 0

Street Name and/or Route
Number

◆ **Claremont Lane, State Route Number 1908**

Old Route Number: 0

- From: Rt 1906, Glen Valley Drive

To: 0.05 Miles South to Rt 1907, Rowcross St, a distance of: 0.05 miles.

Recordation Reference: DB 4705; PG 656-657

Right of Way width (feet) = 0

Item No. 8.5. Albemarle County 2019 2nd Quarter Certificate of Occupancy Report, **was received for information.**

Item No. 8.6. Albemarle County 2019 2nd Quarter Building Report, **was received for information.**

Item No. 8.7. VDOT Monthly Report (September) 2019, **was received for information.**

Introduction. Mr. Doug Walker, Deputy County Executive, formally introduced Ms. Jodie Filardo as the newly appointed Director of Community Development. He said she spent about 18 years in local government in Sedona and Clarkdale, Arizona. He said Ms. Filardo has a background in Community Development and Economic Development, with an extensive background in the private sector. He said she brings a rich and diverse orientation to the leadership work in the County's Community Development function, which includes planning, building, zoning, engineering, and Geographic Information Services.

Mr. Walker said Ms. Filardo will be leading a staff of about 75 employees in the important work with the Board, Planning Commission, and the larger community. He said the Board would be seeing much of her over the next several months.

Ms. Filardo said it was a pleasure and privilege to be before the Board and to join an august group of staff in Community Development, as well as the entire leadership council. She said she could not be happier with the professional team and looked forward to becoming a part of the service organization that supports Albemarle County.

Agenda Item No. 9. **Work Session** – Proposed Anti-displacement and Tenant Relocation Assistance Policy for Albemarle County.

The Executive Summary forwarded to the Board states that on March 19, 2019 members of the Charlottesville HOME Consortium, the entitlement entity for federal HOME funds for the region, adopted the Charlottesville HOME Consortium Anti-displacement and Relocation Assistance Plan. The plan was developed to comply with the HOME 2013 Final Rule, 24 CFR 92.353: Displacement, Relocation and Acquisition. Under this rule, all programs and projects receiving HUD funding (including CDBG and HOME funds) are required to comply with the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Staff is proposing the creation of a similar policy that applies to any development or redevelopment projects that receive Albemarle County support or require a legislative action. Such a relocation/displacement policy will aid in the mitigation of any negative impacts on County residents as a result of development projects.

As housing costs continue to rise in cities and counties throughout the nation, concerns related to tenant displacement, particularly the displacement of low-wealth and low-income communities and other vulnerable populations are increasing. In an effort to address these growing concerns, local governments across the country - from Portland, Oregon and Seattle, Washington to Minneapolis, Minnesota and Arlington, Virginia - have adopted anti-displacement and relocation assistance policies to help mitigate the negative impacts on tenants associated with rising rents and residential (re)development projects. While these policies vary in their breadth of coverage, they have all been designed to apply to development projects receiving some form of local government support, whether that is in the form of funding (e.g. grants or loans from a housing trust fund) or legislative action, such as through a rezoning approval. Each of these policies supplement the tenant protections provided under federal grant programs, providing an extra layer of support for residents most at risk of residential displacement.

Concerns about (re)development-related displacement have been raised in Albemarle County as well. In response to these concerns, staff proposes the development and adoption of a tenant anti-displacement policy for Albemarle County, to include guidelines for tenant relocation assistance (for both temporary and permanent moves) when relocation is unavoidable. The policy would apply to any development or redevelopment project that receives approval for a site rezoning or special use permit, as well as any projects receiving financial support from the County. Tenants of both rental homes and mobile home parks would be covered. By-right developments would not be subject to policy compliance, but those developers would be encouraged to follow the relocation guidelines.

While a detailed policy is being developed, staff has prepared an interim general policy statement for the Board's consideration which, if adopted, would signal the County's commitment to minimizing unnecessary displacement or relocation of residents as a result of the residential (re)development and rehabilitation activities described above. That statement is included as Attachment A.

There is no direct budgetary impact specifically related to this information.

Staff recommends that the Board:

1. adopt the attached resolution (Attachment A) outlining the County's general commitment to anti-displacement and tenant relocation

2. direct staff to develop a detailed Tenant Anti-Displacement and Relocation Assistance policy and associated guidelines
-

Ms. Stacey Pethia, Principal Housing Planner, presented. She said that tenant anti-displacement and relocation assistance policies are adopted in efforts to minimize unnecessary displacement of individuals and families from their homes and neighborhoods due to publicly assisted redevelopment or rehabilitation, or development projects, of residential properties as well as the conversion of rental properties from mobile home parks into an alternative use. She added that implementation of such policies helps ensure the fair, consistent, and equitable treatment of residents when displacement from such properties is necessary.

Ms. Pethia said the County's Comprehensive Plan and Strategic Plan support the adoption of such policy, which is covered in the Comprehensive Plan Objective 2 to ensure that housing is equally available to all populations, as well as in Objective 6 which is to provide affordable housing options for low- to moderate-income residents within the County. She said that it is also supported under Strategic Plan Goal 6, which is to revitalize aging urban neighborhoods.

Ms. Pethia said that currently in Albemarle County, redevelopment and rehabilitation projects receiving federal funding, such as through the CDBG or Home Programs, are subject to anti-displacement and relocation assistance requirements through the Uniform Relocation Assistance and Real Property Acquisition Act of 1970.

Ms. Pethia said the creation and adoption of a local policy will extend tenant protection measures to county-supported projects as well. She said such a policy would apply to those projects that receive either financial support through the County; rental properties and mobile home parks; and any development, redevelopment, rehabilitation, or conversion projects that receive county funding or require legislative approval, such as a rezoning or Special use permit. She said that projects that are by-right would not be subject to mandatory compliance with the policy, but those developers would be encouraged to follow those guidelines.

Ms. Pethia said there are currently three localities in the state of Virginia that have adopted such local policies. She named the City of Alexandria as an example, which was the most recent locality to adopt one, in February 2019. She said their policy applies to projects granted additional density in their residential multi-family zone. She said the policy encourages 1-for-1 replacement of all committed affordable units on site, the right of return for tenants in good standing, and relocation payments for tenants when relocation is necessary. She noted their program is voluntary.

Ms. Pethia said Arlington County adopted such a policy in 1979 and made some revisions in May 2018. She explained their policy applies to projects which require Arlington County Board approval and that the purpose of their policy is to promote housing opportunities for very low, low, and moderate income renters to minimize tenant displacement when displacement is necessary to mitigate the negative effects of development and redevelopment projects in neighborhoods as well as those communities they live in. She said their policy is mandatory for county-approved projects and is voluntary compliance for by-right projects.

Ms. Pethia said that Fairfax County adopted a policy in 1993, with revisions in 2012. She said their policy applies to the demolition, rehabilitation, or conversion of multi-family rental projects and mobile home parks. She said it encourages retention of the existing tenants as well as requiring assistance with relocation when necessary, which is generally in the form of relocation support, whether this is helping to find a new unit compatible with the one the tenant currently has, or by offering payments to help them move. She noted compliance is voluntary.

Ms. Pethia said she had three considerations for the Board. She asked if the Board believed that an anti-displacement policy is important for Albemarle County, noting that staff believes that such a policy is appropriate, particularly as the County is growing and is becoming more difficult for low-income households to find replacement housing that they can afford within the County.

Ms. Pethia said her second question was to, if such a policy is desired, should developer adherence to the policy be mandatory for county-approved and/or funded projects, or if this should be voluntary compliance. She said staff recommended that compliance be mandatory for any project receiving county support, and voluntary for all by-right projects.

Ms. Pethia said her third question was to if an anti-displacement policy be incorporated into the upcoming housing policy, or if it should be a standalone, separate policy for the County. She said staff believes that a separate standalone policy would be more appropriate.

Ms. Palmer asked what the rationale was for this.

Ms. Pethia replied that it emphasizes its importance and makes it easier to track as opposed to getting lost in the mix of a broader policy discussion. She suggested it could be developed at the same time, in tandem with the Housing Policy Update discussions, but that it would be a separate document.

Mr. Dill said that he could see a couple free market related problems. He asked, for example, if someone wants to upgrade an apartment house and the rents would go up because of this, how this would apply to the issue. He expressed that in general, it seemed as though the County was layering

responsibilities and that he feared people would be less willing to build units that would have this requirement and that though it would be great for the tenants, the landlords or developers may not be willing to keep those tenants for the long term.

Ms. Pethia replied that under such policies, it is not mandatory to keep the existing tenants if they cannot afford to live in the new development. She said that what the policy would require is that the developer provide assistance to help them move, which many times comes in the form of having a Relocation Coordinator, who would look for comparable rental units or home ownership units throughout the area, provide recommendations to new landlords to express the tenants are in good standing, and provide some financial assistance to help them move.

Mr. Dill asked if this would only apply to low-income people in a high-end apartment house.

Ms. Pethia replied that this is a discussion that could be had. She said under federal guidelines, a developer would be required to assist all households that they are displacing, no matter the income. She said that Alexandria has two different levels of assistance, a basic level provided to someone living in a market rate unit, and then double the financial assistance to any of the lower-income families living in the building.

Mr. Dill said it seemed as though the policy was a step towards rent control in keeping housing affordable for people in the units, no matter what happens.

Ms. Pethia replied no. She said if a building is transferring from affordable units to market rate units, or even a moderately-priced unit that the current tenant cannot afford to move into, there is nothing in the policy stating that they need to keep the rent affordable there. She said the policy was simply to help ensure that families who may be displaced from their homes are provided the assistance they need to locate another affordable unit.

Ms. Palmer said that for those who receive county assistance, which is a very specific and less common situation, Ms. Pethia was suggesting making the policy involuntary. She said she was having trouble imagining a county situation where they would be subsidizing market or above-market housing. She asked if this was a fair assumption, acknowledging that they cannot tell what the future would bring.

Ms. Pethia replied this was correct, adding that the policy would also apply to any rezonings or Special use permits. She said it would not necessarily mean that the County provides any financial support to the project, and that it could simply be a matter of approving a rezoning application. She said if there was a small, 10-unit apartment building that is older and located in the urban ring, and someone purchases the property or the current owner wants to tear down what they have now and wants to redevelop it but build it to a higher density, they would need to ask for a rezoning. She said at this point, the County would be able to apply such a policy.

Ms. Palmer asked if it would be mandatory and if it would be part of the decision the Board of Supervisors made in approving the SUP.

Ms. Pethia replied yes. She said there were a couple ways it could be voluntary for all developments or if a rezoning approval, it would be mandatory guidelines.

Ms. Palmer said she was trying to determine the difference between a rezoning for a development and a situation like Southwood where the County is subsidizing it.

Ms. Pethia replied that because Southwood is receiving federal CDBG funds, they have to comply with the federal regulations. She said the County policy would not apply to Southwood.

Ms. Palmer asked if the County's policy would be similar to the federal regulations.

Ms. Pethia replied yes.

Mr. Randolph said that Attachment A was provided as a placeholder policy and that he had questions about two words in the policy that concerned him about the ambiguity. He said the word "unnecessary" is used in the resolution itself as well as page 2 of the staff report in the last paragraph. He asked if Ms. Pethia could define what she meant by "unnecessary" resident displacement or relocation.

Ms. Pethia replied that this would be in a case where a resident who is currently living in a building would be able to afford to live in the new unit but is not given the opportunity to return. She said another situation that applies would be in a development that does receive a rezoning approval and will provide 15% affordable units, where some of the current families would be given the right to return. She said when a property is being rehabilitated, where possible, the developer would work in such a way that current residents would not need to move from the property, which could start with rehabilitating any vacant units and then moving tenants around so that they are not actually displaced from the building or their neighborhood.

Mr. Randolph asked if there was somewhere on the County website where they have defined "unnecessary" as Ms. Pethia had just described it for the Board, and for people listening in the audience. He said he was concerned about the ambiguity in going forward and that the term could be interpreted in different ways. He suggested that in the resolution, it may be stronger to asterisk the term and then provide the definition below so that there is no question going forward as to what it means.

Mr. Randolph said the other word that he questioned was the word “decent.” He said he considered that there could be, for example, a new Habitat house built to be safe and affordable but that during the time period before the sheet rock went in, a group of vermin move in without the crew knowing. He said the house would then be on the market or inhabited and could be deemed “decent” because it looks so appearance-wise. He asked if the word “decent” could be better defined as “healthy” or some way of adding a public health dimension. He expressed that decency is subjective and if it could be better defined in a way to include safety and health.

Ms. Mallek asked how the process would work, noting that she was concerned, having had experience in historic preservation, that possibly someone could proceed with tearing down a building and then later would apply for a demolition permit with a \$50 fine. She said that someone could also go ahead and displace all the tenants and then would claim to later find out about the program. She expressed that knowing how the process would be rolled out or enforced would be helpful to understand, as there are possible ramifications.

Ms. Mallek also asked that when there is an older, well-kept neighborhood and as people age out and new families come into smaller homes in urban areas, if there was any role in the policy to provide some kind of overlay district to protect older neighborhoods. She acknowledged it was likely in a different category but that it was something she was considering, as there are many of these neighborhoods that are at a real risk as growth areas all over the County succeed and there is tremendous pressure as the open spaces get used up for great investors waiting for houses to come onto the market. She said the neighborhood coalitions can only do so much so fast.

Ms. Pethia replied that Ms. Mallek’s second question could be addressed through the broader housing policy.

Ms. McKeel said that one of the problems has been that those homes are flipping to Airbnbs and that the County has hopefully managed to figure this out. She noted that her next statement was probably not part of the discussion, but that she hoped that as part of the Board’s work, and perhaps as part of the Regional Housing Partnership, they begin discussing the fact that the current modular homes are not like trailers from 40 years ago. She said this needs to be addressed in ordinances and policies and look at changing this. She said it seemed as though this could be done fairly quickly.

Mr. Dill said that there was a huge community involvement about homestays that seemed valuable and he wondered if this could affect enough people, such as real estate developers, apartment owners, etc., to warrant more study. He said this was the first he had heard of the policy and that he was hesitant to vote on something that seems complicated.

Ms. McKeel clarified that it was only a resolution to do more.

Ms. Palmer asked if this was part of the outreach.

Ms. Pethia replied that she was working on incorporating the policy work into the outreach.

Ms. McKeel noted that they spent 2-3 years working on homestays and that this should not take as long.

Ms. Palmer said that though she wanted to see all the details and also have community outreach, she thought that the policy was reasonable.

Ms. McKeel agreed.

Ms. Mallek said regarding rent control, she lived in a rent control apartment when she was in working at a research assistant at a medical school and it was what provided stability. She said that it was a wonderful way to survive on \$7,000 per year and have some money left over. She said there is a place for this and that there was also a fear with this that people will not be able to invest or improve. She said this will be something that the Board will have to discuss and be aware of.

Ms. Pethia said that unfortunately, the state of Virginia has not imposed rent control regulations.

Ms. Mallek said this was good to know and that there are many things the County does not have authority for.

Ms. Palmer said that she had a feeling the policy would be weaker than she envisioned.

Ms. Palmer **moved** that the Board adopt the Resolution (Attachment A) outlining the County’s general commitment to anti-displacement and tenant relocation, with suggested amendments. The motion was **seconded** by Ms. McKeel.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, and Ms. McKeel.
NAYS: None.

* * * * *

**RESOLUTION
GENERAL ANTI-DISPLACEMENT AND
TENANT RELOCATION ASSISTANCE POLICY**

WHEREAS the County of Albemarle is committed to (i) the promotion of housing opportunities for very low-, low-, and moderate-income households and (ii) the preservation of existing communities; and

WHEREAS the County of Albemarle is committed to limiting the negative impacts residential (re)development and rehabilitation projects may have on County residents.

NOW, THEREFORE, BE IT RESOLVED that the County of Albemarle (the “County”) is committed to making all reasonable efforts to ensure that residential redevelopment and rehabilitation activities that receive County funding support or that require Board approval will not cause unnecessary resident displacement or relocation.

BE IT FURTHER RESOLVED that the County will work with developers and property owners to avoid resident displacement, whenever possible; and when relocation is necessary, to enable displaced residents to move directly to decent, safe, and affordable replacement housing convenient to their place of employment and/or school.

Agenda Item No. 10. **Work Session** – Community Development Work Program, 2019-2022 - Midyear Review.

The Executive Summary forwarded to the Board states that the purpose of this work session is to a) provide a midyear status update; and to b) consider the Board’s interests relating to issues that have arisen since the work program was approved in February. The latter will result in the Board making decisions that provide direction to staff on prioritization and timing on several projects. The Board’s Strategic Plan Priorities and previously established work program initiatives have provided good direction, but staff recognizes there remains an interest in several additional initiatives not currently included in CDD’s approved annual work program. The ongoing challenge is assuring that staff remains focused on completing established priorities, while being responsive to emerging interests of the Board. This is a mid-year review and the annual work program will return to the Board for consideration in February/March.

Organizational operational initiative priorities were identified after the approval of the current annual work program, resulting in CDD resource demands. These initiatives, which include the replacement of the County website requiring extensive involvement of key CDD staff, are critical to the organizational work that is aligned with our business process pillars and that best serves our customers.

It is important to note also that during the time period since approval of the work program, CDD staffing has been down 3 key leadership positions who contribute substantially to projects listed on the work program - CDD Director, Planning Director and Deputy Zoning Administrator. At the same time, nondiscretionary work such as development and compliance activity remain exceptionally high.

With this work session, CDD staff is intending to engage the Board in a dialogue to assure CDD is acting in a responsive manner to emerging interests without compromising established performance expectations both for identified and approved work program items as well as mandated work activity such as applications/permits, plan review/approval and inspections. Staff and the Board are interested in being both strategic and nimble in an effort to respond to priority issues as they arise. There is also an interest in being able to pursue effectively important projects outside of the work program approval cycle that require limited resources and that do not detract from work program projects approved by the Board. Projects in this category include those that will save staff and/or the public time, that will fix problem areas or that are pivotal to accomplishing priorities established by the Board. Examples of these types of projects from the first half of the year are 1) agricultural operations phase I, and 2) zero lot line zoning ordinance amendments.

Ordinance amendments for entrance Corridor arterial roads and special permit authorized signatures, have previously received Board direction, are added to the schedule (attachment C) and staff work is underway. Several other emerging issues and interests have arisen since the Board approved the work program in February that are not yet prioritized (attachment E). Staff is asking the Board to consider staff’s suggested actions on these items.

- Agricultural Operations Phase II (in work program) - Staff suggests substituting this amendment project with the more timely fill and waste amendment (not in work program) that is necessary to address a current gap. Address the timing and prioritization of the agricultural operations amendment with the annual work program review in February. Several more time-critical amendments were addressed with agricultural operations phase I approved in May. The nature and extent of the fill and waste amendment will be more fully developed after staff considers further ordinance implications and holds a scoping work session with the Board. Staff expects to return to the Board with this discussion in October.
- Wireless Policy (not in work program). Staff suggests consideration of prioritizing this

work at this time to provide direction for alignment with the budget for FY 21. This policy work is expected to cost \$75,000 to \$100,000 in consultant costs and 0.5 FTE in staff resources. If funded in FY21, work could begin summer 2020. Staff would then return to the Board with a scoping and public engagement plan work session.

- RA Landscape Contractors - (not in work program). Staff suggests consideration of a more focused amendment that establishes a special use permit for this use. After a period of experience, we can better evaluate options for a by-right provision of this use with performance standards. If this is a Board priority, we recommend that staff begin this work first quarter 2020 after religious institutions and special permit authorized signatures projects are both complete.
- Recycling Amendment and Home Occupations - (not in work program). It is expected that staff will conduct scoping work sessions during the winter 2019 to better understand extent and associated resource needs for this work in anticipation of addressing the timeline for these two amendments with the February 2020 annual work program discussion with the Board.
- Required Snow Removal from Public Sidewalks - (not in work program). Staff has met with key partners and is researching this program. Staff intends to return to the Board this spring in a work session format to discuss program implications related to organizational structure, cost and enforcement along with consideration of decisions related to adopting an ordinance.

Attachment B provides a schedule that includes previously identified interests of the Planning Commission and Board. This schedule has been updated to show: completed items, additional items and items not previously listed. Those additional items listed above are not yet prioritized and will be added based on Board direction in the work session.

Staff notes that management capacity and the capacity of experienced staff continues to be the limiting factor for the size of the work program. The complexity of a project and the number of stakeholders with differing interests directly correlate to the time necessary for completion. CDD staff continues to evaluate projects with a lens of an appropriate (but not overly extensive) engagement process with stakeholders. Staff are also working towards resource capacity assessments that can better result in realistic schedules that achieve identified priorities for the Board.

The primary budget impact relates to funding the wireless policy work.

This matter is being presented for discussion. Staff requests that the Board consider the initiatives described and, following a short presentation, share its perspective on how staff can best assure the Board's interests have been maximized in CDD's work program.

Ms. Amelia McCulley, Deputy Director of Community Development, presented. She noted she was attending with Mr. David Benish, acting Planning Director, as well as several subject matter experts from Community Development in the audience who could be called on.

Ms. McCulley said she would provide a background and midyear status on the work program, then go over the established priorities and emerging interests and seek the Board's perspective so staff can best prioritize the use of its resources.

Ms. McCulley said the purpose of the work session is to provide a midyear status update on previously identified priorities from the work program in February, and to consider the Board's interest relating to issues that have arisen since that time. She said staff was seeking Board direction on prioritization and timing of several projects that are not on the currently approved work program, and they have provided recommendations to work through with the Board. She noted that as usual, they would come back to the Board again in February for the annual work program.

Ms. McCulley said they would also discuss Community Development resources and provide metrics that would be helpful in creating context of completing the work program work.

Ms. McCulley presented a pie chart that serves the purpose of showing that there are staff devoted to many different functions that consist of about three-quarters of its work that are non-discretionary, mandatory items. She said there are not staff devoted only to work program items and therefore, the more non-discretionary items there are, less staff resources are available for work program items. She said many of the items related to zoning complaints, building permits in particular, have substantially increased.

Ms. McCulley said staff notes that management capacity and the capacity of experienced staff continue to be a limiting factor for the size of the work program. She said the complexity of the project and the number of stakeholders with different perspectives or interests directly relate to the amount of time it takes to complete a project. She said they are continuing to develop engagement processes that are "right-sized" for the complexity and impacts of the projects. She said they are also working towards resource capacity assessments that will result in more realistic schedules for achieving identified priorities for the Board. She asked the Board to look for this when they come back in February.

Ms. McCulley noted that Ms. Filardo is very metric-based, and that staff could do a better job with metrics.

Ms. McCulley presented a slide, noting that its purpose was to illustrate the amount of staff resources available for work program items. She presented a graph that shows the change in number of FTEs over time, noting that the current staffing (75.5) is not caught up with staffing in 2008, which was 84 FTEs. She said the Board would see in following slides that some of the current activity levels exceed pre-recession levels. She said they have made process improvements through the recession and currently to allow staff to do more with less.

Ms. McCulley presented a slide showing activity levels, noting that the percentages and numbers were astounding. She indicated to an area of substantial increase, even over pre-recession levels, which was the number of dwelling units permitted of all types, not just single-family. She said residential dwellings are up 153% from pre-recession levels in 2006 and are up 38% from 2018. She said there are spillover impacts from increases and the number of dwelling units, both within Community Development and other departments that serve the County's citizens. She said one primary area of increase is the number of building, engineering, and zoning inspections that are associated with the new dwellings.

Ms. Palmer asked Ms. McCulley to read the numbers again.

Ms. Mallek said it was 450 units in 2008 and 1,450 in 2019.

Ms. McCulley said the numbers were in the folder but not on the slide.

Ms. Palmer said that she would like to see the pre-recession numbers pre-2009 at a later date.

Mr. Randolph noted that it was helpful to compare the economic cycle and look for the parallel point, because otherwise they are looking at the post-fracturing of the economy.

Ms. McCulley presented a slide with zoning complaints by year. She noted that complaints related to homestays will substantially impact the number of zoning complaints. She said in the first half of September, staff received more complaints than they receive in a month on average, and they have not even sent out all the letters informing people that they are running a business without the zoning permits and inviting them to work with the County towards compliance. She said if the trend continues through the Homestay Compliance Program, they will more than double the number of complaints over 2018.

Ms. McCulley said that work to appropriately resolve complaints competes with building inspection and site plan work that's handled by the same staff. She noted there is also an increase in inspections because there is an increase in residential dwellings.

Mr. Randolph noted that homestays compliance was another reason to try to look to develop technology-based solutions to cut down the amount of staff time under the current model of having to respond to the complaints. He said nationally, there are ways that other communities are handling this exact issue and that going forward, this adds ammunition to try to seek efficiencies, especially in terms of software and reporting systems, so that it reduces the number of complaints that staff has to handle.

Ms. McKeel said the Board also recognized that there would be an up-front push of complaints and that hopefully after a certain amount of time, they would drop off.

Ms. McCulley said in the compliance gap plan, staff will be sending out a staggered set of letters to inform them that they are aware that they are operating a homestay without the proper permits and inviting them to work with the County. She said a small number of letters have been sent out with many more to go.

Ms. McKeel said she appreciated seeing the comparison of the staff they had previously, as this brings the point home.

Ms. McCulley said the answer to the question of how many residential dwelling units there were in 2006 was 575. She said the number they are projected to have in 2019 is 1,454.

Ms. Palmer asked if this reflected the increase in apartment buildings.

Ms. McCulley replied that this played a part, but that there were also many townhouses.

Ms. McCulley presented achievements that were made in the first half of 2019 based on the work program priorities the Board had set in February. She said the Pantops Master Plan was adopted as scheduled in the work program. She said the Southwood Performance Agreement was adopted and the rezoning was approved, adding that work on the project continues as reflected in the work program. She said the Barnes Lumber Performance Agreement was approved, as well as the related rezoning.

Ms. McCulley said since February, there have been significant ongoing efforts to implement the Rio-29 Small Area Plan, especially as focused on the form-based code. She said the work program revisions reflect the current schedule. She said in February, the Board adopted ordinance amendments to address certain commercial uses not served by public water in rural areas of the Comprehensive Plan.

Ms. McCulley presented a slide illustrating not only what staff accomplished, but a concept she

termed as “nimble projects.” She said staff and the Board are interested in being both strategic and nimble to respond to priority issues as they arise, with projects outside of the adopted work program but that require limited resources and don’t detract from the work program projects that the Board approves. She said the two completed ordinance amendments are examples of those nimble projects that can save staff time, the public time, or that are pivotal to accomplishing priorities established by the Board. She said these could be done out of sync of the work program.

Ms. McCulley said the key or difficulty is to be able to effectively understand the resource impacts of a particular project to ensure that the limited resources for the “nimble project” work don’t detract from accomplishing the already-adopted work program.

Ms. McCulley said she shared seven major efforts that have been completed or reached significant milestones since they last discussed the work program with the Board in February. She said the following slides would begin discussion of emerging issues on which staff is seeking the Board’s direction.

Ms. McKeel noted that staff’s work has been great and that they have worked hard.

Ms. Mallek said that homestays wasn’t even included on the list, which was a huge success.

Ms. McCulley said there were some work plan additions since the adoption in February. She said staff received direction from the Board to add two work items. She said the work is under way and is reflected in the revised work program.

Ms. McCulley noted that even less complex ordinance amendments involve several staff. She gave an example of the Entrance Corridor Arterial Roads Ordinance Amendment, explaining that it involves the Chief Design Planner, Ms. Maliszewski, the Transportation Planner, and the County Attorney’s office. She said in contrast, more complex and substantive work, such as form-based code, currently involves 17 staff members in some capacity, with many of them being planners. She said those planners are the same people who accomplish some of the work program items.

Ms. McCulley also mentioned that organizational operational initiatives were developed after the approval of the current work program, and several of them result in resource demands on CDD staff. She said the initiatives are critical to the organizational work that is aligned with the business process pillars and that best serve the County’s customers. She said these include work on the County’s website, which can require at least one FTE from Community Development for the next six months.

Ms. McCulley said there is an additional ordinance amendment that Mr. Bill Fritz would likely bring before the Board relating to the legislative process fix for the timeline for rezoning, special use permits, and special exceptions that currently require an applicant to request deferral, even to keep their project moving. She said this was not listed on the work program, but if a simpler repeal could be done of what was changed, it could be done more quickly.

Ms. McCulley said the first question she had for the Board was that fill and waste, which includes deposition of inert construction debris, staff recommends that they substitute this work with Agricultural Operations Phase II. She said in place of AgOps Phase II, they would instead immediately begin work to address the gap in their regulations relating to fill and waste.

Ms. Mallek noted that fill and waste is in all districts and is something that is not in one particular site.

Ms. McKeel asked if Ms. McCulley would inform the Board on how long the delay may be when they push out a project, whether this would be six months or two years.

Ms. Palmer recalled that when this was discussed before, Ms. McCulley had said there was a shorter way to get to a reasonable place. She said it was important but that there were other things that were as well.

Ms. McCulley replied that Mr. Fritz has a draft Resolution of Intent with a proposed process to come before the Board the following month. She said that while there are some legal intricacies, their hope is to take a simpler, quicker, stop-gap approach to address the issue.

Ms. McCulley said her second item to receive the Board’s feedback on relates to the wireless policy. She said for this issue, staff understood that there may be interest in a comprehensive review of the current wireless policy and if so, staff will prepare a budgetary request for a consultant that they believe is critically necessary for the policy part of the work (not the implementation). She said it would also involve about one-half FTE in staff resources working with the consultant. She said if this is funded for FY 21, then work on the wireless policy would begin with the consultant in the summer of 2020, but that staff would begin work just before this to set it up for the consultant.

Ms. McCulley continued that utilizing a consultant for the policy work, with staff lead on implementation, public engaged staff leads, public engagement, staff writing the ordinance, has been a successful model for the current policy. She said the question for the Board was if the Board supports this being a priority, because they would then seek budgetary funding for the next fiscal year for the consultant to do the work.

Ms. Mallek asked if there was any prediction on what other federal and state hammers will come down on this, as the County is half-way through the update, that would make it less useful or not.

Ms. Palmer said this was also her question, if the County's work would be negated by the state.

Mr. Bill Fritz said he had a phone call coming up soon to discuss this. He said there doesn't appear to be anything coming down currently that would significantly change regulations.

Ms. McKeel said that the County's policy is very old and that it needs to be updated. She said that the last time one was approved, they were literally rewriting it during their break because their policy didn't meet what was currently needed. She said this must be fixed as it was almost 20 years old, pointing out that technology has changed significantly since then.

Ms. Palmer asked if staff regularly finds it difficult to apply the current policy.

Mr. Fritz replied that as the networks mature and move towards 5G, and as First Net comes about, there could be more difficulty in doing so. He said currently, the County must do special exceptions to accommodate it and that it is taking more time and becoming more difficult to process.

Mr. Randolph said that the burden shouldn't be placed on staff, and that it has also been the case that the Board has approved projects where they understood what the policy was, but given the locality and circumstances, it looked as though the policy needed to be altered somewhat. He said in the process, they don't have a consistently applied policy, which is another reason why it is imperative for staff to do this work, especially because the County doesn't know when 5G will arrive. He theorized it could be rolled out gradually throughout the County, and there was some merit to factoring this into the discussions about the new version of the County's new wireless policy.

Ms. McKeel expressed that when there is a policy so old, and the technology has changed so much, it is time to address it.

Ms. Mallek said that for later discussion, the County is trying to follow the corporate interests who are running the show, and that the County will need to figure out to do their job protecting the health and safety of its people in the overall decision-making process. She said this will always be ahead of the next new version of technology. She acknowledged that she may sound like a luddite but that she felt very strongly that the County must do something differently than what they are doing now. She said it is becoming an ADA issue for people everywhere.

Mr. Randolph said the only problem is that the corporations will say that the County is trying to provide the capacity because people are demanding it because of how much they are using their phones to perform a variety of tasks that were unimaginable a decade ago.

Ms. McKeel agreed that there is a balance.

Ms. McCulley said she believed she had heard Board consensus.

Ms. Mallek replied yes, that staff's plan for budget is recommended.

Ms. McCulley said that the wireless policy work would take priority over AgOps Phase II.

Ms. McKeel replied yes.

Ms. McCulley said she would explain the next three use amendments, Rural Area Landscape Contractors, Recycling Uses, and Home Occupations in the Development Areas, and then come back to the Board and ask them to put them in priority order.

Ms. McCulley said the Rural Area Landscape Contractors issue relates to Strategy 1-J of the Rural Areas section of the Comprehensive Plan, which discusses the fact that landscape contracting services and commercial nurseries are compatible with the rural areas' intent, but are not given the appropriate zoning use allowances at this time. She recalled that a Board member brought up this issue during the February work program discussion.

Ms. McCulley said if it is necessary for staff to undertake this work sooner with a more expedited approach, then a more focused Phase I amendment could provide for landscape contractors in the Rural Areas zoning district by Special use permit, which would involve limited staff resources.

Ms. McCulley noted that the Comprehensive Plan suggests that the work be done with criteria and performance standards, a more extensive process that would take more staff resources. She said it was up to the Board as to whether there is a more focused, initial approach by Special use permit as they have done with solar farms, have some experience, come back and develop criteria, whereby it could be by-right; or whether they take a more comprehensive, full approach first.

Ms. Palmer asked if this was in regard to landscape contractors being able to store their equipment in the rural areas.

Ms. McCulley replied yes. She said this was unrelated to home businesses and was providing for this use as a permitted use in the rural areas.

Ms. McCulley said the second use in the ordinance that would be an amendment is Recycling Uses. She explained that this arose with the consideration of the Northside Industrial Greenstone Recycling Facility, and that the Board heard many comments about the need for more recycling opportunities. She said there is quite an interest in assuring that the County's regulations better accommodate recycling uses.

Ms. McCulley said a more basic approach to reducing some of the supplementary regulations, the source of many Special Exceptions that Greenstone sought, could require less staff resources. She said if it is a broader approach and more comprehensive, this would involve more staff resources.

Ms. Palmer asked what the broader approach would be. She cited an example of the Board wishing to address CDD for rehabilitation and construction in 29 North and asked if this would be considered a broader approach.

Ms. McCulley replied that a more focused approach would be, for example, an exception to the requirement that all the storage be indoors. She said if this were to be lifted and no longer a requirement, this would be very focused and discreet. She said a broader approach would be, for example, with performance standards that are appropriate to the district and the adjoining property and impacts on other properties and roadways, if the requirement should be allowed in more zoning districts. She said this would be a broader approach and would take longer.

Ms. McKeel said this was helpful, noting that there was a way to get to the issue in a focused way to address it.

Ms. Palmer said that, with the broader approach, if they were to allow exceptions in Light Industrial, there would be two things to change: that it was allowed, and that it be indoors.

Ms. McCulley added there would be more than this.

Ms. Palmer said they were talking about inert materials, because household hazardous waste has to be done under roof. She asked about other forms of CDD.

Ms. McCulley said this is exactly what staff would want to scope with the Board to determine their interest on this topic whether it was inert materials, or broader than this.

Ms. Palmer said she wasn't sure where more general construction debris lands because she saw a potential need coming down the road. She said she understood to keep it within Heavy Industrial, but if someone wanted to do other construction debris other than cement and asphalt, she wondered how this would be limited.

Ms. McCulley said she would have to ask the Zoning Administrator or pull it up in the Zoning Ordinance since she believed that was provided for in Light Industrial broader than simply recycling inert materials.

Ms. Mallek said that one option would be if the Board jumps forward with the narrow focus and take care of this quickly to determine how this impacts other things. She said if this were to make a significant improvement, it will either determine that more needs to be done, or if there should be another focus taken. She said that with so many things that the County tries to do well and broadly, it takes many years.

Ms. McKeel said Ms. Mallek was describing what she would describe as "letting perfect be the enemy of good" and that this should be considered.

Ms. McCulley said the third amendment relates to home occupations in the development areas. She said the intention is to evaluate home occupation regulations to determine, for example, whether certain businesses that have greater neighbor impacts are incompatible with smaller residential lots and therefore should not be permitted.

Ms. McKeel said this was correct. She said the purpose of home occupations is that the neighbor does not know that you are there, and that this was certainly the case in small lots in the development area.

Ms. Mallek said she may have missed something, but that she had thought that all home occupations have to be within the house. She said the home occupation problem can sometimes be solved by if people have no place to put their things, they put it in the street as opposed to have another option. That has come up many times in the past 12 years as far as finding a solution for it.

Ms. McCulley said that as she understood the problem, part of the problem relates to the parking of vehicles and equipment that may be large and out of character for the neighborhood. She said, for example, if there was a tow truck or a trailer with equipment on it, it is supposed to be parked on site because all the parking for the home business is supposed to be accommodated within the home property, but sometimes the equipment vehicle is parked in the public road. She said when this is addressed with the individual homeowner, they trade and put their personal car in the public road with their business vehicle in the driveway. She said there are certainly other impacts with small lots and houses close together than simply parking.

Ms. McKeel said she has observed this in the older neighborhoods on quarter-acre lots. She recalled that three years prior, she asked for the ability to regulate parking on secondary roads because of the quality of life and what is happening in older neighborhoods that don't have HOAs. She said they should be marrying the home occupation piece with the secondary road parking. She encouraged making the concept easy for people to understand and if they are going to do one, they need to marry it to the other so that people aren't going back and forth to make whatever they are doing work.

Ms. Palmer asked if it was more of equipment parking. She said when she opened her veterinary mobile practice years ago, she was asked and told by the County when she got the license that she was not to have any clients to the house. She said this was fine, as it was a mobile practice. She asked if it was the case that this issue was about equipment.

Ms. McKeel said that to some degree, Ms. Palmer was correct. She said home occupation is supposed to be something that is done in the person's home, and that trailers and trucks should not need to be parked in the street in order to do the home occupation.

Mr. Dill pointed out that a common complaint is that, for instance, people selling on eBay may have UPS trucks and FedEx coming to their homes.

Ms. McKeel said she was not talking about delivery trucks.

Mr. Dill said that when it is happening many times a day, it could present an issue. He said he wasn't sure where one draws the line.

Ms. McKeel said she was not interested in stopping people from getting their deliveries.

Ms. Palmer said she has had complaints about this from her constituents.

Ms. McKeel said that she understood this and how it relates to business, but again reiterated that she wanted to marry the two ideas so that they are not in conflict with the parking and home occupation.

Ms. Palmer said that scoping was needed to determine process and resource needs and asked if it was unknown at this point what it would require.

Ms. McCulley replied that it should likely involve further discussion. She clarified that if the Board could identify, out of the three use amendments, the number one priority amongst them, staff will know that after they finish the two projects, Zoning Text Amendment for Religious Institutions, and Zoning Text Amendment for Special Permit Authorized Signatures, by the first quarter of 2020, staff could begin work on the number one priority of those three. She said they could come back and better understand the scope and the public engagement piece for the other two at a later time.

Ms. McCulley asked if the Board could discuss and provide direction on the number one priority.

Ms. Mallek asked if they were using landscape contractors as an example, would they be putting an SP in the chart to say that this would be available for application for a special permit for properties, and then automatically, all the preexisting rules for a special permit, character to the neighborhood, accessory, transportation, etc., would be set already. She asked if they would be giving the owner an opportunity to spend his \$2,500 and find out if he can get permission to do what he needs to do to keep his business in Albemarle. She said they are not talking about public meetings and it was something that needs to be done, because they described it in the Comprehensive Plan, but they never gave a way for people to act on it.

Ms. McCulley replied that if this is the Board's desire, that is what staff would do. She said this would be an expedited way to handle it and is not what the Comprehensive Plan recommends. She said if there is a desire to get the work underway quickly, this would be able to do this quickly as a Phase I.

Ms. Mallek said that therefore, it would be self-limiting to applicants who would be in the character of a neighborhood where there is a highway depot across the street with great access to I-64 and many things that would make it a fairly unique application. She said that someone somewhere else would likely be told by staff that they are less likely to get approval because it has to meet character of the neighborhood and other considerations.

Mr. Benish replied this was correct and that it could be considered as a triage approach. He explained they would be looking at the criteria that are currently in the Special use permit provisions, which are impacts to the adjacent property owners and to the district. He said an important component to this, which is the consistency with the Comprehensive Plan. He said what the Comprehensive Plan suggests for this type of use is that the County establishes criteria, and that there aren't criteria to say what the expectation is for the use. He said the Board would be looking at these on a case-by-case basis, for now.

Mr. Benish said using the triage approach, the Comprehensive Plan doesn't provide guidance as to where this is or is not appropriate, but to allow the use initially and then begin the evaluations could perhaps create the guidelines.

Ms. Mallek asked if the criteria that already exists for the special permits meets this.

Mr. Benish replied yes and noted that those special permits focus on impacts to the adjacent area and to implementing the rural area district. He said there is a fifth criteria about what the Comprehensive Plan might suggest is appropriate or not, and that the Board would be looking at based on the other criteria.

Ms. Mallek said if it is a business which is being used to help people in the rural area with their businesses, this might help the consistency.

Mr. Benish said that what staff has found with Special use permits is that as they are reviewed, guidance is found that allows for changes to be made later.

Ms. Palmer said she assumed that the Comprehensive Plan suggests that specific criteria are needed and asked if, instead, they are pulled out individually.

Mr. Benish replied that with the adoption of the Comprehensive Plan, what was said generally was that new uses in the Comprehensive Plan need to be associated with criteria for them. He said there was guidance in the Comprehensive Plan that as the County adds new uses, they will create more of an understanding of the expectation so that they wouldn't have a vague guidance about what the Comprehensive Plan calls for. He said this depends on how much the Board is willing to accept initiating the reviews under the current criteria they have.

Ms. Mallek said that some guidance could be reducing impacts to people surrounded by keeping everything within a building. She noted this was different than the storage of concrete, but if there is equipment, a structure would be built to put it into.

Mr. Benish replied that if they took a more comprehensive approach, they would look at what this might be to provide guidance for when those are acceptable uses in which locations. He said if they go with a triage approach, they will be accepting that they will be working with these on an individual basis.

Ms. Mallek said that it seemed it would be easy, in the triage approach, to have ways to mitigate the impact and that people would know this ahead of time.

Mr. Benish said that this could potentially be considered.

Ms. McKeel said this was in regard to the rural area, and that her concern was that in the development area's older neighborhoods, people are getting home occupations for landscape work and then they have equipment, which is then being parked in the neighborhoods. She said she could show a person who has a landscaping business who has parked his equipment in his neighborhood on a road in front of homes for over a year. She said he lives in Greene and is using the public road in that neighborhood to store the equipment.

Ms. Mallek said this was because he owned the lot.

Ms. McKeel replied that he doesn't own anything there and was using the public road. She said it was not fair to the landscape operators in Albemarle who have storage facilities for their equipment, but because the equipment is licensed and tagged, he can do it. She said this gets back to the regulation she was trying to talk about in regard to the secondary road parking and that she was trying to marry the regulations together.

Ms. Mallek said if they can solve the storage SP, they will have an alternative place to park their equipment. She said that contracting yards have been a shortage in the County for 20 years.

Ms. McKeel said that their storage facilities should not be located in front of a house.

Mr. Dill said that one is zoning and the other regards state law as far as who is allowed to park on the street.

Ms. McCulley said that the Board put forward a legislative initiative.

Mr. Dill said that this is what he was trying to say, that he thought they are trying to solve it.

Ms. McKeel said she was trying to solve both of the problems so that they are not jumping back and forth between the two.

Ms. Palmer said she didn't mind an expedited approach at this point for the recycling item, as it was very important. She said she would, however, like to have a conversation at another time with staff about how other construction debris would factor in. She added that Mr. Gallaway might want to join that discussion at well.

Ms. McCulley asked out of the three use amendments, which the Board wanted to prioritize as number one. She showed a list of committed projects for staff in the next six months, and that their resource capacity to take on additional projects in that time period is limited. She explained that this was why she was asking the Board to put forth their top choice out of the three.

Mr. Randolph said that in terms of the wireless policy, he wasn't sure when staff needed to hire

the consultant. He expressed that the process needs to get started sooner rather than later, and it was a question of intensity of commitment of staff as far as how much staff would need to be deployed to all the amendments. He said that as much as possible, stop-gap and come in with not the perfect solution, but devise an imperfect solution to at least have something started and in place to build on in the future. He encouraged everyone to address real and present problems throughout the County and that this doesn't necessarily have to involve a full-blown process.

Mr. Randolph continued that this would give staff the opportunity to be "nimble" and that there was an opportunity to try to determine how to do this in as quick, effective, and nimble way as possible to stop the hemorrhaging occurring in terms of problems. He suggested laying down the foundation and then later looking at the long-term solution. He asked if these thoughts were helpful. He said there is always a desire on the part of everyone to get everything done and perhaps staff could come back to the Board with more concrete estimates and time limits.

Ms. Mallek said the County has been discussing the landscaping item and she brought it up in the February meeting when it had fallen off the list. She expressed that she hoped it would be taken care of soon. She said it was one example of where \$60,000 pieces of equipment will go to Augusta if the contractor cannot find a place to park it in Albemarle. She said this was a lot of business activity and tax revenue that Albemarle could benefit on and that she hoped the County could make a simple accommodation on a chart to address the issue.

Ms. McKeel said she understood this but that she didn't want the equipment to go in front of someone's house.

Ms. Mallek said the equipment would be inside a barn.

Mr. Gallaway suggested that each Board member list what their top priority is, provide a brief rationale, and then they could see where they land in terms of consensus.

Mr. Richardson said he believed that at midyear, staff has said that there are more things on the list than they can get to. He said what staff is asking the Board to do is what Mr. Gallaway said. He said he realized that different Board members see the priorities differently because of the different districts, but that the list is longer than the staff they have to complete, and so the top priority is needed for now and between the first quarter.

Mr. Dill asked if there was an opportunity currently, with UVA tearing down buildings for the County, to get the recycling started, as this would make him want to do this first. He said if this is not true and if they are finished with deconstruction, he would choose landscaping.

Mr. Richardson said that in their day-to-day interactions with UVA, the university has ambition build-out plans and are working hard through their Building and Grounds Committee and Board of Visitors to discuss the changes, demolition, and new buildings on the drawing board. He said he believed UVA is in a high-growth and aggressive time and that he would expect some of the stress and issues associated with this to continue.

Mr. Dill said he would then vote for Recycling as his top priority.

Ms. Palmer said she would also vote for Recycling because she wanted to make sure that if there is someone who wants to expand, they will make it easier for them. She said she was fine with the expedited approach, noting that she didn't know if it would accomplish everything needed, but that she supported getting a few things done. She reiterated that she wanted to have another discussion with staff about the other problems going into the future.

Ms. McKeel asked if Mr. Dill and Ms. Palmer were voting for Recycling and not for fill and waste.

Ms. Palmer said this was already done and that the Board wasn't being asked to do this.

Ms. Mallek said this was not a separation and that the items are all the same thing.

Ms. McCulley replied no. She said the fill and waste is a separate item.

Ms. McKeel agreed and said it had been taken care of.

Mr. Randolph agreed. He said it was listed as one of the five priorities and that it was being taken off the priority list for discussion.

Ms. McCulley said this was her understanding, but she was going to check again, that the Board did endorse the concept of substituting out AgOps Phase II and substituting in Fill and Waste for immediate work.

Mr. Randolph said yes and said that he believed that Fill and Waste's "twin sister" is the Recycling Amendment. He said that those two, to him, are inseparable and that one cannot exist without the other.

Ms. Mallek said she needed some comparison, as it sounded like Recycling would be 12 months of work versus 1 month of work to get an SP added in an existing category. She said she couldn't see the

time relationship of the two items and thinks that it is reasonable that, for another 2-3 years, they will put themselves at risk.

Ms. McCulley assured Ms. Mallek that the two amendments that don't make it to the number one position will come back to the Board in the work program in February.

Ms. Mallek said this has already happened before and that she didn't take much comfort in this.

Ms. McKeel said that she could support Recycling if the other items come back to the Board in 2020. She asked if Ms. McCulley wanted the Board members to each go through all three items.

Ms. McCulley replied that she wanted the top priority for staff to begin work on in the first quarter of 2020.

Mr. Gallaway explained that one reason he would vote for Recycling is that the project that stimulated the amendment is still not up and running, with a year past the application date, with only two uses, specifically concrete and asphalt. He said there was the potential for other local materials to be brought in, repurposed, and resold all on site. He said there was not only the benefit for the climate action plan, but also in stimulating economic development interests of the County. He said these are big strategic priorities, which is why he would bring Recycling forward.

Mr. Gallaway continued that the amendment could compel other places, including the current applicant, that if he doesn't have to or if others don't have to go through what is an outdated ordinance to get to the finish line and get up and running, that they would be interested into moving things forward.

Ms. McKeel said that what is currently happening with UVA is a driver for the amendment.

Ms. Palmer said it seemed to her that if the cost of getting rid of construction debris is reduced, the overall cost of doing the work is reduced. She said a local place to recycle would cut down on transportation costs.

Ms. Mallek said this is how they got into AstroTurf at the top of Fox Mountain because the truck driver could make three trips in the time it took for him to get paid to go once to Richmond. She said the cost analysis doesn't work, and just like before the days of affordable housing rules, no one was building affordable housing because it wasn't the business model. She said it wasn't the fact that affordable housing rules made the price go up, but it was simply the market.

Ms. Mallek expressed that she supported the Rural Area Landscape Contractors amendment because it was very much an economic development issue.

Ms. McCulley said there was a staff update relating to the ability to require snow removal from public sidewalks. She said she would be coming to the Board in February to discuss it, noting that they would like to have a full discussion as they have been meeting with key partners, researching the program, and want to understand it better and how it works in other localities. She said staff wants to be able to provide information to the Board relating to organizational structure, cost, and enforcement, along with other decisions the Board would have to consider if they adopt such an ordinance.

Ms. McKeel said that at the same time the County got approval from the General Assembly for this, she was going back to the topic of parking on secondary roads. She asked if staff was working on that currently.

Ms. McCulley replied that this was in the County Attorney's Office in partnership with the Police Department.

Ms. McKeel said she didn't want this to fall off the radar.

Ms. Mallek said there was a misinterpretation from VDOT and confusion surrounding it.

Ms. McCulley said that the County is not the lead on this.

Mr. Herrick said he would have to defer to the County's Public Safety attorneys, who are handling it.

Ms. McCulley said she has seen a draft ordinance and that it is being worked on.

Ms. McCulley said there was a second update, and that there was discussion about incorporating performance standards related to water consumptive uses in the rural areas of the Comprehensive Plan, commercial industrial uses, and a follow-up to what was adopted in February as a "Phase I." She said staff is trying to best understand how to accomplish it, noting that it was not on the work program and that staff would have to bring it back before the Board.

Ms. McCulley said in summary, staff will begin work immediately on Fill and Waste, subbing out AgOps Phase II. She said they will prepare the necessary budget request for the Wireless Policy and be positioned to begin work on it as soon as they are able to set it up for a consultant to work with them on the policy work. She said they will begin work on the Recycling Uses amendment, with a more focused, Phase I quick approach that will begin after they begin the Special use permit Authorized Signatures and

Religious Institutions Zoning Text Amendments, which will be in the first quarter of 2020. She said they would be bringing a Resolution of Intent to the Board for Recycling Uses in the very near future.

Mr. Richardson asked Mr. Gallaway if it was the Board's expectation that staff would expedite the consultant's contract prior to the budget process on cell towers.

Ms. Mallek said that if staff was this varied, she believed that doing the normal process and continuing with what they have the ability to do would work. She said she did not want to put staff resources on work when it seemed that they needed the consultant's work first.

Ms. McKeel asked Mrs. McCulley to explain more about this.

Ms. McCulley replied that Mr. Fritz was the subject matter expert, and that looking at the commitment, it may be difficult to begin the work much earlier.

Mr. Fritz replied that the model they are considering is similar to the one they used when they adopted the original policy. He said there was preliminary work then done by staff to scope what the project was, an RFP, and then the consultant was brought in with public engagement and ultimately preparation of a policy that came before the Board of Supervisors.

Ms. McCulley said that the question was if there was any way that staff resources would be freed up to begin it before the next fiscal year funding for it. She said this was something that they could consider in terms of funding it earlier.

Recess. At 3:34 p.m., the Board recessed its meeting and reconvened at 3:47 p.m.

Agenda Item No. 11. **Discussion** – Climate Action Planning Update Phase 1 Update.

The Executive Summary forwarded to the Board states that, on September 6, 2017, the Board adopted a Resolution to "Reaffirm Commitment to Support Local Action to Reduce Climate Pollution" and on September 5, 2018 the Board authorized signature of the Open Letter - "We Are Still In" Declaration to support the Paris Agreement on climate change. Staff presented the Climate Action Planning (CAP) Phase 1 process on June 6, 2018 and last updated the Board on March 20, 2019. The Phase 1 process involves developing long-term community-wide greenhouse gas (GHG) emission reduction targets and high-level strategies to achieve these reductions. Since staff's last update in March, staff has been working with the Steering Team, Coordination Team, and Emission Sector Teams to help develop draft material for the CAP. Staff has also hosted 12 Climate Mondays, a series of open public meetings every Monday evening from May through July focused on specific climate topics.

The CAP will include the means - grouped as goals, strategies, and actions - by which the community can act towards achieving the GHG reduction targets. Draft strategies have been developed by the Emission Sector Teams and have been shared for public/stakeholder feedback during the Climate Monday meetings and through an online response form. These strategies are summarized in Attachment A. These draft strategies will be refined in the coming months to create a cohesive "action" component of the CAP.

GHG reduction targets set the tone for the CAP by expressing the aspirations of the community in reducing the net amount of GHGs emitted over time. At the March 20, 2019 Board meeting, staff presented the targets recommended by the Steering Team - to adopt the Intergovernmental Panel on Climate Change (IPCC) recommendation of reducing community-wide greenhouse gasses 45% by 2030 and to achieve net-zero emissions by 2050. The IPCC recommendation meets the intent of the Paris Agreement goal of keeping average global temperature rise within 1.5 degrees Celsius. These recommendations are further explained in Attachment B. The Charlottesville City Council adopted the IPCC recommendation on July 1, 2019. Staff has prepared a draft Resolution adopting this recommendation (Attachment C) for the Board to consider for future action.

The County will need to track progress on the adopted GHG emission reduction targets by conducting periodic community-wide GHG emission inventories. Staff completed GHG inventories for calendar year 2000, 2006, and 2008. These inventories were conducted using a software platform developed by the International Council for Local Environmental Initiatives (ICLEI). The latest version of this platform - ClearPath - is the leading online platform for completing GHG inventories and is currently used by many other Virginia localities, including the City of Charlottesville. ClearPath is available to ICLEI members - along with technical support and many other climate-related resources - at an annual cost of \$1,750; non-members can use the software (without support) for \$7,500 annually. Additional information about ICLEI membership is provided in Attachment D. The County was an ICLEI member from 2007 through June 8, 2011 when the former Board voted to rescind membership.

The cost of the GHG inventory software is \$1,750 annually with ICLEI membership or \$7,500 annually for non-members. Staff intends to begin implementing climate-related initiatives - such as energy upgrades to County buildings - through separate CIP requests.

Staff recommends that the Board authorize the County to again become a member of ICLEI and to assign a representative from the Board to serve as the membership contact. Staff also recommends that the Board direct staff to add the Resolution to Establish Community-wide Greenhouse Gas

Emissions Target (Attachment C) to a future Board meeting for its consideration and approval.

Mr. Lance Stewart, Director of Facilities and Environmental Services (FES), presented. He said he was joined by Ms. Narissa Turner as well as Mr. Andy Lowe from FES.

Mr. Stewart said he would be recapping the actions taken and the work that has happened since staff had last formally updated the Board, including a high-level overview of the draft strategies and actions that have been developed. He said they would then specifically discuss the draft resolution to potentially adopt formal greenhouse gas emissions reduction targets, as well as to begin formally tracking greenhouse gas emission reductions going forward.

Mr. Stewart said the process began with establishing, based on the local Climate Action Planning Program from the past, a set of work units essentially to look at emission sectors. He said a steering team was established, a coordination team with 15 members, and a total of 7 teams working on various emissions sectors that included members of the community and experts in the field, volunteers, staff members, TJPDC, UVA, City of Charlottesville, and many helpful partners from the climate advocacy community.

Mr. Stewart said that over several months, those groups collectively, along with feedback from the community, developed a set of draft recommendations with specific strategies and actions. He said those were in the Board packets and on the County's website in more detail. He said he would present a few examples from each of the emissions work sectors to give a sense for what was included and the stages they are in, noting that it was still very preliminary work to be fleshed out over the coming months.

Mr. Stewart said the first examples have to do with the community buildings and renewable energy sector, noting that these are not municipally owned but are every other building in Albemarle County. He said that for this sector, a sample strategy would be to promote and support energy efficiency and renewable energy in existing buildings. He said that for this specific strategy, there may be anywhere from 2 to 20 individual strategies that are recommended to be considered. He said in this specific instance, the related action was to support organizations and programs, such as LEAP, that provide incentives for investments in community buildings.

Mr. Stewart said another strategy would be increasing energy efficiency of new buildings, and one of the actions related to this was to encourage better-than building code, design, and/or renewable energy investments or in other words, going beyond what is required for new construction.

Regarding community transportation, Mr. Stewart stated that more than 50% of Albemarle County's greenhouse gas emissions footprint is related to personal and commercial vehicles. He said the work group for transportation was actively involved in taking this on, with representation from every major body in the community that involves planning or public transportation. He said an example strategy from this would be to increase the use of public transit as an option for daily trips, and one of many associated related actions was to continue to improve coordination between public transit partners, JAUNT, CAT, and University Transit System, through the Regional Transit Partnership.

Mr. Stewart continued that there was a bike-ped element, and an example strategy would be to improve the quality of existing bike-ped infrastructure in the development areas to make it safer and more comfortable.

Mr. Stewart explained he was providing the Board a sense of the breadth of the climate action planning, that the effort is still at a very high level and that the work, moving forward, would become much more detailed.

Mr. Stewart said the Sustainable Materials Management sector work team created a strategy to inform and motivate solid waste consumers in the region. He said the way to do that, through related action, was to use media outreach and public information campaigns and/or school programs to encourage behavioral changes towards waste. He said another strategy was to promote and/or develop landfill diversion alternatives, with an example action being to make food scrap composting available at residential trash and recycling centers and in all Albemarle County Public Schools.

Mr. Stewart said there was also a robust Natural Resources sector work team, which focuses on carbon capture, which is preserving the ability to capture the carbon in the air and turn it into oxygen. He said this was part of the net zero formula and was extremely important to the County's goal. He said one of the two primary strategies for this was to maximize forest cover, where practical. He said the example actions are to provide technical and educational resources for landowners, connecting them with existing funding and assistance programs.

Mr. Stewart said that Mr. David Hannah was able to provide valuable information before the meeting about programs that the Department of Forestry has for technical assistance, as well as a new financial assistance program for riparian buffer repair to the entirety of the James River Watershed, which is mostly in Albemarle County.

Mr. Randolph pointed out that some people living in planned residential developments are governed by HOAs, and the HOA for the community he lives in is very specific in terms of expectations for homeowners to maintain their properties, and that cutting the lawn involves using a lawn service or a power mower. He said that most of the lawns are large enough that it would be a challenge, especially if

they are sloped, to try to cut the grass with hand mowers, and so gasoline or electric power mowers are preferred. He said that unless an electric powered lawnmower is using nuclear energy, it is likely generating some carbon at a location off site. He said in terms of the environment of the globe, it still produces carbon.

Mr. Randolph suggested that one topic to discuss with the draft strategy and action is trying to educate HOAs to take a look at lawn management from a different perspective, especially in light of climate change. He said that homeowners seem locked into a methodology and set of procedures which are likely no longer environmentally sustainable. He said that personally, he tries to cut his grass when he knows that the grass has reached the point where it is tall. He said it can look very unseemly, compared to other lawns that are cut with regularity on the same day every week.

Mr. Randolph stressed consideration of his point, adding that especially during drought conditions, there isn't a need to be mowing as often, but when there is a contract with a landscaper coming in, that is how they depend on getting paid. He encouraged staff to think about balancing the impact in terms of local employees and the dislocation economically if the County were to implement the plan and what it could mean for those employees in terms of lost income. He expressed that thought should be put into how to get the plan translated into a suburban lawn mentality, especially in planned residential developments.

Mr. Stewart said Mr. Randolph's point was a great segway to his next topic. He said there was not a specific sector team working on outreach and education, but that every emissions sector work team had elements of public outreach, education, getting information in the right people's hands, and getting the word out on multiple strategies.

Mr. Stewart said it was clear that being able to communicate effectively was something that binds the strategies together, not just generally, but specifically in some instances with organizations like HOAs, church groups, private schools, business developers, contractors, architects, and engineers. He said this would be a major point of focus for the group as they craft the plan going forward because it could be the change lever that makes the plan work.

Mr. Stewart said that one of the recommendations that is worth pursuing is to create a Community Climate Action Committee, very similar to the Solid Waste Alternatives Advisory Committee, that is chartered to have representation of experts and members of the community. He said it was a complicated set of subjects, and being able to consistently engage experts in the process over the coming years could hold tremendous value.

Mr. Randolph observed that with much of the new housing going in, turf is put down consisting of Kentucky-type green grass and that they are not putting in grasses that are well-adjusted to lower rainfall. He said that over time, the original turf put down by developers dies off because it is not sustainable. He said it can be watered frequently, but that it won't be able to sustain itself because of the humidity.

Mr. Randolph said in terms of reducing greenhouse gas emissions, the County has to consider best management practices in terms of the kinds of grasses that are installed in new homes, then informing the owners what would be advised for them in terms of plants, shrubs, and grass moving forward. He said otherwise, there is a vicious cycle of grass dying and then underground sprinkler systems being installed, thinking that water will solve the problem, but that it does not. He said they then start putting in even higher levels of nitrogen and phosphorus, which doesn't solve the problem either. He reiterated that the grass doesn't survive because of the temperatures and humidity that is now being seen in the area.

Ms. Palmer said she got a call the day before from someone in an affordable housing apartment complex, which was built with energy efficiency and is airtight. She said they are having problems with management in terms of not changing filters enough and keeping things up. She said as they are talking about best management practices, new building codes, and encouraging efficiency in new buildings, something should be done as far as making sure management is keeping up with those new things.

Mr. Stewart reminded the Board about the webpage, www.albemarle.org/climate. He said the entirety of the list of the draft recommendations of the emissions sector work teams are on the site and easily downloadable, as well as other resources.

Ms. Mallek said related to energy efficiency and airtight buildings, something that is neglected by the State Building Code is a more easily obtained waiver for people who have health reasons as to why they cannot be in a house that has sprayed-in foam. She said currently, an architect was hired to fill out the 16-page form because it was incomprehensible to her and was not the responsibility of county staff to help with this. She acknowledged that it was a State Building Code issue, pointing out that there are a significant number of people who cannot live in those circumstances and therefore have difficulty in adding on to or building houses.

Ms. Mallek expressed that the transportation items were positive because the related actions about connections relate to the CIP investments for sidewalks. She said it was an example of how the things they are doing incrementally across departments of local government are going to be impacting the County's success in climate action, explaining that it was not separate but is embedded in everything they do.

Ms. Mallek said that with sustainable materials, one of the things that has been discussed on the

radio and in conferences is having the makers of a product, e.g., toothpaste, take better ownership for dealing with packaging they want. She said that consumers can also choose to purchase things that do not have excessive packaging, which is part of the education the County would provide.

Ms. Mallek said that with natural resources, there is legislation going forward about the tree cover in the development areas and changing regulations around this, as well as tree preservation plans that will be impactful, as developers won't be able to automatically wipe out 300 2-ft diameter trees. She said this would create a much better quality neighborhood as well as having tree cover for the environment.

Ms. Mallek said there was a planned residential neighborhood upstream from her farm, with enormous lots which are all mowed to 1.5". She said whereas on her farm, their pastures are at least 8" deep, just short enough to keep the weeds from going to seed but that everything else maximizes the green growth. She said this is an HOA issue that had been mentioned, but it is also an expectation that hopefully the education team can talk about. She said to prevent erosion and tremendous travel of soil, which is an area that the County is failing at, they could be able to incorporate items that would start at a climate action level but would help in other areas as well.

Mr. Dill said the number one crop in the country in acreage is grass.

Ms. Mallek added to consider the chemicals laid on the grass by the spray trucks every few days.

Ms. Turner said speaking of outreach and engagement the draft recommendations and the examples were not only a culmination of the work by the emissions sector teams, but were also generated from Climate Mondays, which were meetings each Monday starting in May and ending in July where the community was invited to express their ideas for what they would like to see in the Climate Action Plan. She said this was important and helpful because if the plan will be not just for government operations but for the whole community, the County needs to engage.

Ms. Turner said that along with Climate Mondays, they also collected responses from the community through an online response form. She said they still have an email address that community members are allowed to send comments to at any time as they continue to work through the process. She said it was important to provide impressions of the collected feedback to the Board, some of which they heard during the public comment period. She said that over the past 3-4 months, they received close to 300 written responses, which include the written responses from the online form, emails, and feedback left during Climate Monday wrap-up sessions.

Ms. Turner said that the response has generally been positive, with people being excited about the plan. She said some comments are as simple as expressing that people are glad the County is working on climate action and that others are more in-depth and suggested more specific and technical comments, which were a great resource. She said one of the major things that was heard repeatedly across all sectors was that people want more information, education and outreach to make sure people understand what the best practices are that they can use in their daily lives.

Ms. Turner said that they have also received some negative responses and that the most important one for the Board to consider was about the impacts the Climate Action Plan may have on County residents' taxes.

Mr. Gallaway asked if the concern about taxes was to raising taxes or to the accounting of the money.

Ms. Turner replied that the majority of the concern was that residents do not want their taxes raised. She said if the plan will be something that is very expensive and that it cannot be proven that it will be beneficial to everyone in the community, they don't want taxes to be raised.

Mr. Gallaway said that this was a fair question for anything the County does.

Ms. Turner agreed that this was fair for any action the County takes. She noted the Board is diligent about how money is accounted for, doing due diligence and cost benefit analysis. She said as staff working on Climate Action Planning, they are attempting to do this as well.

Mr. Gallaway said this was to be expected.

Mr. Andy Lowe said that much of what staff is hearing is the overarching themes they heard from the public and Board during the meeting, and one of the early topics discussed with the Board was being able to jump on immediate, actionable items instead of waiting the full 12 months for everything to come across. He said if there was consensus that a program needs to be implemented, they should proceed. He said he would identify some of those programs, as they address the overarching themes that have been mentioned.

Mr. Lowe said one theme was equity of the programs and the energy burden that some community members face. He said a pilot program the County intends to fund through LEAP, with Habitat for Humanity combined, is associated with the Southwood Mobile Home project. He explained that some of the mobile homes will be in place for a long time (10 years), and therefore weatherization and insulation for those mobile homes is an opportunity staff sees through which LEAP can work a pilot program in conjunction with Southwood and Habitat.

Mr. Lowe said this program would open to the rest of the County, as there are many applications on the tax records for this type of weatherization program. He said it was about building a program that could stretch out into the future and that it has co-benefits. He said some of the criteria staff uses on the programs are costs, benefits, co-benefits, and control. He added that internal policies would be adjusted as the County begins to provide resources to the community. He said this includes fleet replacement strategies, new green building construction, and major renovations under the green building policy, noting that the County has control over these things and can move forward with implementing and improving them.

Mr. Lowe said larger topics that will need to have incremental steps are exploring financial mechanisms, a state and nationwide issue, which involves innovative financing methods for the improvements to be made, whether electric vehicles or energy efficiency projects on homes. He said the financing structure is sometimes the prohibitive factor to change, and so the County is looking for mechanisms, both available now and soon. He said CPACE, Commercial Property Assessed Clean Energy Program, has always been mentioned and the state of Virginia recently reapproved this program for communities to use, with incentives to follow.

Mr. Lowe noted that some explorations of these mechanisms are beginning now, but that they may not come back to the Board for some time.

Ms. Palmer asked if staff had reached out to AHIP.

Mr. Lowe replied that they have reached out to AHIP, Habitat, and PHA, and that Mr. Chris Meyer with the local Energy Alliance program was one of the team leaders on Buildings and Renewables. He said one focus meeting included the prospective Executive Directors of those organizations.

Ms. Palmer said that AHIP deals with housing affordability and that she would be interested to find out what their capacity is and what they will need to help with the planning.

Mr. Lowe responded that there have been times when LEAP has been able to come in on some of those projects and help with energy efficiency, weatherization, and insulation components, where the other work is focused on safety and structure.

Mr. Stewart added that LEAP is poised to soon begin with equipment acquisition, hiring employees, and training. He said they have received funding from the Oak Hill Foundation, City of Charlottesville, and others. He said the County has sufficient funding in its current year's operating budget to help them get it off the ground and are ready to do this soon. He said they first wanted to check to see if there were any concerns expressed by the Board before doing so.

Ms. Palmer said that these kinds of things are county-wide.

Mr. Stewart agreed.

Mr. Lowe presented the next-steps timeline. He explained that there was much refining to do of efforts and strategies, while still workshopping with the public on the next level. He said that the CAP report development process would be rolled out back to the public and then to the Board.

Ms. Mallek said that as in 2009, when the LCAPP was signed, it would be great to get the different partners to do a ceremonial closure when they are ready with the report, because this involved people from all over the community spectrum and was very helpful.

Ms. Turner presented the vision of Phase I, which focuses on greenhouse gas emissions reduction targets. She recalled that when staff last met with the Board in March, they gave some background information on the direction staff was leaning and recommended a goal to the Board to, at some point in the future, formally adopt. She said when it comes to setting targets around greenhouse gas emissions, the general wisdom in the scientific community is in the absence of ambitious state goals, they move towards international standards. She said that from taking notes from other localities in Virginia, this seems to be the direction they are moving towards.

Ms. Turner said this was in line with the recommendation from the Intergovernmental Panel on Climate Change, which is a 45% reduction from 2010 in greenhouse gas emission levels by 2030 and reaching net zero greenhouse gas emission by 2050. She said that along with this thinking, staff proposed that they use 2008, since it would be the closest to 2010 that they currently have on record, as their baseline, which equates to just short of 2 million metric tons of CO₂. She said that by 2030, they would expect to be down to 900,000 metric tons and then by 2050, it would be net zero.

Ms. Turner noted that the table she presented could be misleading because this means that whatever they are putting out as emissions would be taken in and sequestered in some manner. She explained that it wouldn't necessarily mean that they wouldn't be making any more emissions in Albemarle County, but they would essentially be netted out to zero emissions.

Ms. Turner said that staff formally recommends that the Board consider the resolution in the packet for adoption in the future, Attachment C.

Ms. Palmer said the County is probably reducing more greenhouses gases than they were in 2008. She said that staff would be talking about joining ICLEI and would review how long it will take them

to get the number they are currently at. She pointed out that the County doesn't know how much they must get to, at this point, if the Board adopts the goals.

Ms. Turner replied that the baseline can be changed in the future and that especially if the goal is to be net zero, the baseline matters less. She said the goal overall is to reduce.

Ms. Palmer said this was good to point out.

Ms. Turner said that along with setting the goal, they need a way to measure it.

Mr. Lowe said that from the chart that was presented that shows 900,000 metric tons of CO2 equivalent in the calendar year 2030, the question was how to measure this. He said they also want to move towards an updated inventory that uses a more recent year, noting that they didn't know what this year would be and that it would be somewhere between 2017-2019. He said it would be whichever year they could get the most composite data for on all of the sectors because they cannot, for example, have a 2018 transportation data set and then a 2017 utility data set. He said it would be whatever year they could get the full amount of data for across all sectors.

Mr. Lowe said that one of the overarching themes heard from County citizens is to how they will measure emissions and if there are other resources that can be used from other communities. He said staff would usually say that they know how to measure this, which is through the Clear Path software program that was made specifically for communities that want to inventory their greenhouse gases. He said it was created by the ICLEI USA organization, which is a composite of municipalities' local boards of directors or locally elected officials across the nation. He said their main mission is to provide resources for other municipalities doing greenhouse gas and climate work.

Mr. Lowe noted that staff does have inventory data from the previous program from calendar years 2000, 2006, and 2008. He said in 2011, the program went in-house and the Board at that time asked not to be part of ICLEI. He said that staff then asked for the membership to be canceled and that the community-wide goal of Cool Counties was rescinded at that time, with the common thought that there was no reason to measure the inventory if there was no goal. He said they are now, in 2019, trying to get the goal back and that they must have a way of measuring.

Mr. Lowe said that many communities in Virginia, Charlottesville, Roanoke, Richmond, and Blacksburg, are all members of ICLEI, and that many others use the Clear Path software. He said that if the community wants the County to be able to look across other municipals to see how they compare, using the same type of software those communities use would help them with this. He said that for ICLEI, the software component is a free resource that comes with membership and that they also have resources on climate action planning, resiliency planning, and forecasting greenhouse gas emissions, noting that these were other tools that staff would be able to utilize if they were members. He said it would solve the question of how to measure the stated goal.

Ms. McKeel said as a disclaimer, she was not on the Board at the time membership was rescinded.

Ms. Mallek said she was in the minority, with it being a 2-4 decision. She said that back then, it was \$1,100 for Albemarle County to get the membership and therefore have access to all the software. She regretted she could not compel to other Board members to join them.

Ms. Palmer said it was a strange time.

Mr. Lowe recommended that the Board directs staff to proceed with a membership in ICLEI and that staff would need one of the elected officials to serve as a liaison for the organization.

Ms. Palmer asked what this would entail. She said it seemed that the chair would be the best but if something else needed to be done, it may need to be someone on the committee.

Mr. Lowe replied that they did not have community service hours required but that a lot of emailing was involved. He said what they expect is to not only be able to contact staff, but to email an elected liaison directly with programs and alerts.

Ms. Palmer suggested it may be better to have someone on the Climate Action Committee to be the liaison.

Ms. McKeel said that the idea was that the elected official serving as the liaison would make sure that the Board was aware of the alerts.

Mr. Lowe said that in 2011, they used the chair.

Mr. Gallaway said that the benefit of having the chair be the liaison was having the updates on public record.

Ms. Mallek said it should be automatically forwarded to everyone.

Ms. McKeel said that if it was anyone on the Board, the information should be public anyway.

Mr. Gallaway said that the chair email is regulated differently and that it cannot slip by the wayside.

Ms. Palmer agreed this was probably the easiest.

Ms. McKeel also agreed.

Mr. Dill said it could be more work in that they would likely have to return information to ICLEI and ensure it's getting there.

Ms. McKeel replied that this would be Mr. Lowe's responsibility.

Ms. Palmer said they would use the chair and the general Board of Supervisors email, and that Mr. Gallaway would perform any duties necessary. She asked staff if they needed a vote for the ICLEI membership.

Mr. Gallaway said there was a series of motions.

Mr. Herrick said there were a couple of different points in the Recommendations section of the Executive Summary and that it would probably make more sense procedurally to break up the two recommendations into separate motions.

Mr. Gallaway asked if there would be three items, per the staff presentation.

Mr. Herrick said that depending on how they are counted, there could be three in the Executive Summary. He said he did not know the extent to which the staff presentation differed from the Executive Summary in terms of recommendations.

Ms. McKeel said the first seemed to be to authorize the County to again become a member of ICLEI and to assign the chair from the Board to serve as the membership contact.

Mr. Randolph pointed out that there is the presumption that the chair will be interested in and compassionate about the subject. He noted there was an election coming up, and then two years later there would be another. He said if there is a change in Board leadership, there could be a situation in which the majority of the Board would not be interested in this and would elect a chair who would not reflect that.

Mr. Randolph said he would take a minority position in saying there is great value in having someone who serves on the committee being the contact person, because that will ensure that there will be someone who has a certain level of familiarity with the subject who would be the contact person when, in the future, it is possible that the chair could be distant from the issue and potentially even be of a different wavelength on the issue.

Ms. Palmer said if they use the Board of Supervisors email, everyone will receive the information.

Mr. Randolph said he understood this.

Mr. Dill said it seemed as though the Board could change their mind and assign someone else to do it.

Ms. McKeel said they would be conscious of this.

Mr. Randolph said he hoped the scenario wouldn't happen but that he wanted to raise it.

Mr. Gallaway said that this could happen, but it would have to go back to being a majority Board action to reverse everything, because otherwise the chair is beholden to perform the directive being put forward.

Ms. Palmer said the easiest thing to do would be using the Board email so everyone receives the information.

Ms. McKeel **moved** that the Board authorize the County to again become a member of ICLEI and to assign the chair from the Board to serve as the membership contact.

The motion was **seconded** by Mr. Dill. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, and Ms. McKeel.

NAYS: None.

Ms. Palmer asked why a motion needed to be made to add the resolution to establish greenhouse gas emission targets to a future meeting. She also asked why they could not vote on the resolution immediately.

Ms. Mallek replied that it was the Resolution of Intent process.

Ms. Palmer said she thought it would be good for everyone in the audience to know why they were not voting on the resolution that day.

Mr. Herrick said that as Ms. Mallek indicated, the Resolution of Intent process is why it is coming back for a future hearing.

Ms. McKeel said this would be coming back quickly.

Mr. Herrick replied it would be as the Board is directing staff.

Ms. Palmer asked if a vote was needed for directing staff on this.

Mr. Herrick said it could be put on a consent agenda to be done quickly.

Ms. Mallek said it could be listed on the agenda for an upcoming meeting, which would take away any possibility of people thinking they were trying to sneak something through.

Mr. Dill said that this has been a widely publicized meeting, though not an official public hearing, and it seemed as though they should go ahead with it.

Ms. Mallek said this is a discussion item and not an action item on the agenda.

Ms. Palmer said it would be included as a short agenda item.

Ms. McKeel asked if they still wanted to vote.

Mr. Herrick replied yes.

Ms. McKeel **moved** that the Board directs staff to add the resolution to establish community-wide greenhouse gas emissions targets (Attachment C) to a future meeting for consideration and approval. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, and Ms. McKeel.

NAYS: None.

Mr. Gallaway asked if there was a third possible motion.

Mr. Herrick replied that the first motion included two items.

Ms. McKeel commented about the packet information. She said that from the big picture, it was confusing because it talks about county government and then occasionally, it identifies schools. She stressed the need to talk to partners at the School Board and School Administration levels about climate action, as they are needed to partner with the County. She suggested if they were willing, there should be a work session done about climate action.

Ms. McKeel said that she saw a number of places in the packet where she would have loved for schools to be identified specifically or have a note that says that county government needs county schools in partnership. She said this may very well require having a session with the School Board. She said relating to transportation, for example, there was a discussion the day before about school buses and that she now had data for the ridership on school buses, which she would share with everyone including the School Board.

Ms. McKeel pushed back on the statement in the packet that said "explore/develop partnership and coordination of transit services with networking companies like Uber and Lift." She suggested that they may want to say, "regulated transportation companies" and that to identify two companies that are currently being challenged throughout the United States because they push back all of their costs onto their employees, which was not in line with the Board of Supervisors' intent. She asked that this be looked at through a different lens.

Ms. Mallek suggested that the presentation be taken to the School Board to allow them to first have a chance to consider it and determine ways that they can participate. She said the Board of Supervisors could come up with categories that may also be great for the School Board.

Ms. McKeel said it seemed as though this would be an opportunity for the Supervisors to review at the next step and then have the School Board present with them, suggesting that this could be the joint meeting around climate action work if the School Board was willing.

Mr. Dill said the School Board was definitely very interested and committed to it, as many of the students were walking out that Friday. He asked if the Supervisors had a specific liaison with the School Board.

Mr. Stewart said no. He said the COO of County Schools, Mr. Jim Foley, was a representative on the steering team. He said the head of their fleet and vehicle maintenance facilities was a very active and helpful partner and that he and Mr. Michael Freitas, representing the government fleet side, were looking

carefully at opportunities. He said that similarly, Ms. Lindsay Check Snoddy was a key contributor to the local government school buildings sector emission team. He said at staff level, they are very ready.

Ms. McKeel pointed out that the School Board itself needs to buy in and understand the issue, and specifically with setting their priorities.

Ms. Mallek supported Ms. McKeel's statement.

Ms. Palmer asked if staff has been asked to do any community outreach talks. She said she was receiving requests from different community groups to come and present on climate action.

Ms. Turner replied that there were quite a few and that most of the time, those requests come in collaboration with the City of Charlottesville and UVA as part of the County's climate action engagement initiative. She said she had done a couple of general talks about local government and climate action planning at UVA. She said if the Supervisors have requests from different groups who want to know more about the process or general background information on climate, she would be happy to provide that.

Mr. Lowe added that staff is working with groups such as the Chamber of Commerce and their CADR subcommittee to give presentations. He said this information can be forwarded to their constituents as well.

Ms. Mallek said that on May 29, many hundreds of residents and landowners suffered 10-rainfall and higher damages to the floods (a 1,000-year flood and two 500-year floods in one year). She said agriculture is undergoing a drastic change and that pastures all across Albemarle County have a completely different component of grasses now than they did 5 years ago. She said weed management is completely different from what had to be done just two years prior, and that it is now known that rainfall is much less on schedule than it has been.

Ms. Mallek said that throughout the County, from farmers and urban people, she was receiving a great deal of support in recognizing that these changes are real and that ways to figure out cost-effective steps that will help the County contribute to the overall climate action process. She noted there is a tremendous effort on the part of the Soil and Water Conservation District in working with landowners and changing the regulations, with much more funding going on for things they are supporting in grass cover, no-till, and pasture rotation and that large numbers of people are taking advantage of those activities. She said those activities help everyone and helps the streams, management, and incurred health.

Ms. Mallek said that when she was recently in Crozet, many people recalled that in 2008, the Board had \$250,000 in the budget for a recycling center in Crozet and that it evaporated during the recession. She said the residents still remember this and that it was a very important topic for them. She said that in working on the LCAP many years prior, she was happy to be moving towards Phase II.

Ms. McKeel expressed appreciation to staff for their work on Climate Mondays.

Agenda Item No. 12. **Presentation** – Yancey School Community Center First Year Report.

The Executive Summary forwarded to the Board states that in May 2017, the Albemarle County School Board voted to close BF Yancey Elementary School and on September 25, 2017, transferred ownership to the County Board of Supervisors.

At the Board's March 7, 2018 meeting, the Board endorsed a use framework (Attachment A) for the former BF Yancey Elementary School building that included the differentiation of user group types, space types, and an associated fee structure. The use framework adopted by the Board supports both short and long-term uses requiring a management structure that utilizes the policies, practices, and resources of both the Facilities & Environmental Services (FES) and Parks & Recreation (P&R) Departments.

The adopted framework, recommended by the Yancey Transition Advisory Committee, provided the basis of use of the facility as a community center, a use that the Albemarle County Planning Commission, at its meeting on July 17, 2018, found to be in substantial accord with the Comprehensive Plan (Attachment B).

The Yancey School Community Center began its new operations in September of 2018.

The first year of operating the Yancey School Community Center has yielded some success while also revealing opportunities for further growth.

Successes

The Yancey School Community Center facility provides opportunities for both long-term (leased) and short-term use of the space. Current occupants include, among others, Piedmont Virginia Community College (PVCC), the Jefferson Area Board on Aging (JABA), the BF Yancey Food Pantry, and P&R programming.

Community members have also taken advantage of the space for the purposes of birthday parties and graduations. Highlights of the Center's activities are provided in Attachment C.

Yancey Advisory Panel

In September 2018, following the completion of the work of the Yancey Transition Advisory Committee, the County Executive sponsored Yancey Advisory Panel (YAP) was chartered to work collaboratively with County staff in outreach activities and to make recommendations related to the use of the facility.

YAP has met at the Yancey School Community Center monthly for the past year and has successfully:

- outreached and generated community support for the community center
- engaged partners and other stakeholders to bring additional services to the community center
- launched the first annual Yancey Community Center Celebration
- applied and received grant funding in support of the community center's operations

Opportunities

Though the Yancey School Community Center has had a positive first year that has included much success, opportunity abounds to increase the vibrancy and usefulness of the facility.

Building Utilization

Currently, the Yancey School Community Center facilities are not being used to capacity. Additionally, the total number of paying rental reservations from community members for the first year of operations was 8. During the same period there were 146 reservations at Greenwood Community Center and 19 at Scottsville Community Center, both operated by the County.

Increased Partner Services

Apart from the considerable social and recreational opportunities that exist at Yancey School Community Center, agency and nonprofit partners may be well positioned to provide needed services from the facility. The Thomas Jefferson Health District (TJDH), in particular, has been proactive about mobilizing resources to provide services from the community center. TJHD was awarded grant funds that have provided the opportunity to convert a classroom in the community center into clinic space from which they could provide Health Department Services (such as access to Women, Infants, and Children (WIC)). The intent is this space could be shared by other local service providers of health services, including mental health.

Staff and YAP continue to explore opportunities to increase rural residents' access to needed services through use of the community center.

Charlottesville Area Community Foundation (CACF) Strengthening Systems Grant

CACF's Strengthening Systems Grant which provides \$300,000 over three years to organizations that present a viable proposal to strengthen how services and activities are delivered and accessed in the community was awarded to the County in July for the Yancey School Community Center. The grant funds provide an opportunity to have a full-time dedicated FTE as a resource at the community center, opening up opportunities for expanded programming and space utilization, increased outreach, and a coordinated approach to service delivery from the center.

There is no budget impact associated with this report.

Staff recommends that the Board receive the update provided for its information.

Mr. Trevor Henry presented. He commemorated the work that had been done with the Yancey School Community Center over the past year. He said members of the community would be sharing highlights from over the past year of operation. He said that the Yancey School Community Center is a unique facility for Albemarle County and that unlike the County's other community centers, such as Greenwood or Scottsville, it is jointly operated by the Facilities and Environmental Services (FES) and Parks and Recreation Services, along with support from the Office of Equity and Inclusion.

Mr. Henry said he hoped to see that the Yancey Center will continue to become a vibrant community hub, providing social and recreational programming as well as opportunities for space utilization by agencies and non-profit partners. He said Michael Freitas would be providing the Board with an update on facilities operations, and then there would be a presentation on the year in review, as well as a forward look.

Mr. Henry presented the timeline, noting that it had been 27 months since the decision was made to close the school and transfer it to the community center it is now. He said there was significant work and great collaboration in partnership with the community that occurred over those 27 months.

Mr. Michael Freitas said that regarding budgeting, they did well the first year, budgeting \$155,000 in the operating budget and spending \$123,000 of it. He said they also made a \$97,000 investment from

the Capital Maintenance Program into the facility. He said that security improvements were made, including installing surveillance cameras both inside and outside the facility. He said there is a badge access system similar, but smaller in scale, to that of the County Office Building, though the School Board paid for this during the transition period. He said the entire facility was also re-keyed.

Mr. Freitas said with regard to maintenance, there was a total of 88 workorders and based on square footage, this was on par with what is being experienced in other facilities. He noted that maintenance presents a challenge due to staffing and the drive time to arrive to Yancey but that nonetheless, staff was doing an incredible job in maintaining the facility. He said there was one staff member on site every Tuesday, primarily to monitor the water and wastewater systems, and to also follow up on open work orders and to perform general inspections of the building.

Mr. Freitas said that regarding usage of the facility, there was approximately 3,818 square feet of space currently not being used. He said that of the occupied space, 6,845 square feet are related to the leases they have, and 2,375 square feet are related to Parks and Recreation programs.

Mr. Freitas noted one correction on the slide, which was an oversight on his part. He said the cafeteria and kitchen should actually be part of the shared use and rental space, and that altogether, this section is about 10,407 square feet. He pointed out that there is capacity there for other programs and perhaps other tenants.

Mr. Randolph said that Attachment A indicates Classrooms 8, 9, 10, 11, 12, and 13 are available or undetermined. He pointed out that the same space on the slide is blue, which labels it as occupied leases or programs. He asked for clarification, explaining that his understanding was that there was a tutoring program going on there.

Mr. Freitas replied that it was an alternative education program (ETC) and explained they are in the last six classrooms, which should be rooms 8-13.

Mr. Randolph asked if Attachment A was then inaccurate, as it labels them as available or undetermined.

Mr. Henry replied that this was the program in 2018 that was presented as reference. He said looking at the attachment and the date on it, he would have to go back a year and that it was the designation and the work done over the past year to then fill the space. He explained the attachment was dating it a year before and that the presentation reflects present time.

Mr. Randolph said he was confused because he thought the information in the packet was up to date. He said he was glad that they had not lost the program.

Ms. Palmer asked about the two orange blocks on the slide.

Mr. Freitas replied that these were the classroom trailers and that they were not to scale. He explained they are usable as leased space for programs.

Ms. McKeel asked if the program they were referencing is the program Delores is running.

Mr. Freitas replied yes.

Ms. McKeel asked what her enrollment was.

Mr. Freitas said he didn't think they had any students enrolled yet.

Ms. Palmer asked if the lease had been renewed.

Mr. Freitas replied yes and said it would be automatically renewed.

Ms. McKeel said that on behalf of JABA, they were thrilled about the center. She said it brought in ten new members to JABA and that it has been very successful. She said the volunteers are leading many of the activities and that it was exciting to her that people from Scottsville are now coming to the Yancey School to participate in the programs. She said there is connectivity now between Yancey and Scottsville, which was a positive thing.

Ms. Palmer said there were more new people added to JABA since then.

Ms. Belinda Mills, Coordinator for the B.F. Yancey Community Food Pantry, presented. She said the pantry started nearly two years prior, with 33 members and residents from Esmont coming in. She said since then, once a month, every fourth Friday, they meet and that their enrollment has increased to 167, serving 70-92 families. She noted these families were not just from the Esmont community but were also from Fluvanna, Buckingham, Nelson, and Charlottesville. She said the ages range from 18 to 91, with the largest enrollment being from people 60 years old and older.

Ms. Mills said the pantry has 21 volunteers and that those volunteers, even though they meet one Friday per month, deliver throughout the week. She said that usually, 2-4 volunteers deliver to the disabled, handicapped, and seniors. She said sometimes she would meet with the families and about five of the crew at the school to disperse the food. She said that over the period of the past two years, they

receive the main part of their food from the Blue Ridge Area Food Bank, bought at 5 cents per pound. She said they have also used Food Lion in Scottsville as a distributor who provides a great deal of food monthly, dispersed throughout the week. She said they serve likely 2,500 pounds of food a month.

Ms. Mills said she also has a company coming out of Richmond, or Verona, and that they add to the pounds of food they receive each month.

Ms. Mills said that over the past two years, the pantry has come a long way to be where they currently are. She said they have held fundraising activities, with the biggest fundraiser occurring that May with a car show. She said they have held small fundraising dinners, as well as the Back to School Bash. She said they were in the process of having a coat drive. She again said they have come a long way, and that their goal is to continue building financially with their fundraising goals. She said next year, there would be a farmer's market, a community garden, and a mission statement.

Ms. Mills expressed her excitement about the pantry, noting that not only are they serving the families, but they are also able to see the gratitude on the faces of many of those individuals. She said she sees the smiles on their faces, knowing that they feel a sense of security. She said without the pantry, they would have to go to their supermarkets and pay for the food. She said they were donated five extra shopping baskets, both small and large, and that when the people leave, their baskets are full. She said there were many smiles and hugs and that they were not just a community food bank, but a family. She expressed thanks to God for this and asked the Board to keep them in their thoughts.

Ms. Mills said in addition to Ms. Palmer, who represents their district, she would like to see the other Supervisors come out to the food pantry. She said in November, they would hold their Christmas bazaar. She encouraged the Supervisors to come out and show the community their support.

Ms. McKeel asked Ms. Mills to send them the details about November 14.

Ms. Palmer asked if Ms. Mills could tell the Board the importance of the building in providing a space for the food pantry.

Ms. Mills replied the importance of the building is to not only providing food, but other services to the families. She said they have the coat drive coming up as well.

Ms. Palmer said it supplies the pantry a place to keep the food.

Ms. Mills said yes.

Ms. Palmer said that when they hold holiday dinners, there must be a place to put everything.

Ms. Mills replied they have two outdoor walk-in refrigerators and freezers and that Blue Ridge Area Food Bank provides them with the turkeys and hams. She expressed gratitude for this, explaining that this was rare for some food banks. She said there are two storage areas where they store canned foods, behind the cafeteria and in the hall. She said the space is very accommodating and that they need more.

Ms. Palmer said she wanted to let everyone know that the building was important. She said the volunteers make everything happen and do the work, but they also need the space and freezers.

Ms. Mills agreed. She said they have a cafeteria refrigerator as well as the outdoor walk-in refrigerators. She reiterated it was herself and the 21 volunteers working there and that she was blessed to have each one of them.

Ms. Palmer asked how many holiday meals they would be having that year.

Ms. Mills replied there would be two holiday meals. She again encouraged the Supervisors to attend.

Mr. Randolph asked if the pantry had received 501(c)(3) status as a non-profit.

Ms. Mills explained that the pantry is under New Green Mountain Baptist Church presently and is in the process of connecting with someone else. She said the non-profit status is costly and that they couldn't afford it currently. She said that being under the church is giving them the tax exemption, but that hopefully by the beginning of the next year, they will have made the decision to extend their relationship or detach and join the other group that has approached them. She said this would help with funds and grants, as well as other things that would help them grow in the community and enhance community awareness.

Ms. Palmer asked for Ms. Mills to again say the name of the food bank.

Ms. Mills replied it is the B.F. Yancey Community Food Bank.

Ms. Amy Kirchner, Regional Manager for JABA's Southern Albemarle Community Senior Centers, presented. She said she manages the Scottsville and Esmont Centers.

Ms. Kirchner said the Esmont Center is JABA's oldest senior center, which began in the 1960s.

She said JABA has 33 independent, active seniors who meet every Tuesday and Thursday, 9:00 am to 2:00 pm in the Media Center, which was pointed out as one of the shared spaces. She said their typical day starts with word puzzles and coffee, and then the main activities start around 10:00 am. She said they eat at 12:00 pm and receive a hot meal in the cafeteria from JABA, which is nutritionally balanced and made fresh every morning. She said that everything is free for the seniors and there is a small voluntarily lunch donation they can give if they wish.

Ms. Kirchner said there is a nurse (RN) on staff every Thursday who provides free health screenings, such as blood pressure checks. She said there is an options counselor from JABA who visits a couple times a month to determine needs seniors might have. She said that day, they were discussing free cooling assistance, with free fans and ACs provided. She said they provide free wills as well. She said if the seniors need things for their homes, such as a shower chair or a repair, there is help for that. She said there is also help with transportation. She said this all comes through the options counselor from JABA.

Ms. Kirchner said they used to meet at the Odd Fellows Hall, which is an old house down the street and is very small. She said it was exciting to move into a bigger space where they have room to exercise and a separate cafeteria to eat in. She said there are warming ovens and refrigerators there as well.

Ms. Kirchner recalled mention of new JABA members coming from Albemarle and said that the Scottsville Senior Center is meeting on a regular basis. She said they were not only growing, but they were also becoming more diverse.

Ms. Kirchner said that since she manages the Scottsville and the Senior Centers for JABA, they get together for annual parties, including their Christmas party, Spring Fling, and a summer picnic at Simpson Park, which is across from the Yancey School, where they also invite Nelson County. She said these parties or picnics have over 100 members present. She said Scottsville has about 60 members and Esmont has about 33 members, which brings the parties to usually over 100. She said they also go on day trips together, with the support of JAUNT, to places like movies, lunches, and museums.

Ms. Kirchner said some of the activities include games such as Jeopardy and Wheel of Fortune. She said they often hear from educational presenters such as the Virginia Cooperative Extension Service, police and fire departments, health presenters who discuss topics such as avoiding scams and fall prevention, JABA speakers, insurance counseling with open enrollment, and saving on prescription drugs or assisted devices. She said they exercise such as chair yoga, volleyball, bocce, and other forms. She said they celebrate the holidays with activities such as an Easter egg hunt, St. Patrick's Day parties, and Halloween costume parties.

Ms. Kirchner said on certain days, they hold interesting discussions on various subjects. She said they also do many arts and crafts and have had a local artist come in to teach painting. She expressed pride in the fact that they have varied intergenerational programs as well. She said that in the Esmont Center, they visited the Tri-County Little Learners and had the 5th and 6th graders from the Boys and Girls Club come visit. She said these activities benefit not only the seniors, but the kids as well to be with people who are their grandparents' age.

Ms. Kirchner said that she goes to the Esmont Center on Tuesdays and Thursdays and to the Scottsville Center on Wednesdays.

Mr. Dill asked if the Esmont kitchen was a working kitchen that they could cook in.

Ms. Kirchner replied that they have refrigerators and a warming oven. She said when the school closed, they took the stove away, so they do not have a stove or a freezer. She said there was a cooking class from the Virginia Cooperative Extension Service and that they would like to be able to do more cooking. She said that they may be receiving a stove.

Mr. Dill noted that it would be good for them to have a full kitchen as it was an important gathering place.

Ms. Peggy Scott spoke for Ms. Peggy Denby, chair of Friends of Esmont and member of the Yancey Advisory Panel, presented. She said she has been on the advisory board for about a year and that it has been a great experience so far. She said the panel is made up of mostly local people in the neighborhood as well as some Albemarle County staff. She said Ms. Siri Russell has been the leader since the beginning and has been a great asset.

Ms. Scott said that the center includes the food bank, the Educational Transitional Center, PVCC computer classes, yoga classes, and open gym on the weekends from March-November. She said there was a ribbon cutting on March 9 for the opening of the center, which was hugely attended. She said the space in the community center can be rented by people in Fluvanna County, Albemarle County, and Nelson County.

Ms. Scott said the panel meets on a monthly basis and that other organizations attend their meetings, which she added go quite well. She said the Thomas Jefferson Health District is part of the panel, as well as Friends of Esmont, Jefferson-Madison Regional Library, Health Equity and Access in Rural Regions (HEARR), Southern Albemarle Family Practices, and Central Virginia Health Centers.

Ms. Scott said there was an event coming up on March 14 and encouraged the Supervisors to attend.

Dr. Denise Bonds, District Health Director of the Thomas Jefferson Health District, presented. She said she was also attending on behalf of Ms. Rebecca Schmidt, their population health manager, who has been involved with Yancey School and serves on its advisory panel.

Dr. Bonds said they sought and received a \$50,000 grant from the state through Title 10, which is the family planning block grant that is given to states each year by the federal government. She said this will allow them to retrofit two of the rooms located between the gym and media center for clinic space. She said it will also allow them to provide family planning and sexual health services, at least on a monthly basis to start with and more frequently, should the need arise. She said this space will be available to other clinical entities and that they will be establishing MOUs for Yancey so that the space is not exclusive to the health district but is available to anyone who needs clinical space.

Dr. Bonds said that as part of this grant, they will be staffing a part-time community health worker there on a regular basis, likely beginning in January 2020. She said this individual will help with some of the administrative duties of the family planning clinic but will also be able to assist residents in the area in navigating to services they may need. She added there were ongoing discussions taking place with Social Services to perhaps have this individual be trained to provide enrollment in Medicaid.

Dr. Bonds said they work very closely with many agencies and seek to incorporate any feedback those individuals may have. She said they will also be working with other agencies, such as Fire and Rescue, and Southern Albemarle Family Medicine. She said upcoming events included flu vaccines and sexual health testing at the Scottsville Library and that they anticipate those events to happen at the Community Center as well.

Ms. Palmer expressed that the Supervisors were looking forward to seeing all these events happening.

Dr. Bonds noted that the furniture order has gone in, and there is a schedule posted with a tentative first clinic date of January 16. She said they hope that citizens in all the surrounding areas will take advantage of those services.

Ms. Palmer said that getting the word out will be critical.

Dr. Bonds said they will be able to eventually offer all family planning services there, including long-acting contraception, such as IUDs.

Mr. Dill asked if there will be opportunities for people to receive mental health appointments.

Dr. Bonds replied that this was not something that the health department provides and that mental health services are provided by the Community Service Board Region Ten. She said they certainly hope they would avail themselves of the clinical space there, but that it was not her agency.

Ms. Palmer said that Southern Albemarle Family Practice has discussed this but did not know the update.

Ms. Scott replied that Southern Albemarle Family Practice has recently hired a psychologist and has already begun offering mental health services and, in working with those with opioid addiction, a grant has been acquired that they will be utilizing in the Central Virginia Health Center. She said this would hopefully reach out to Yancey as well. She said the town of Scottsville is also working on this, to offer services utilizing the space that Dr. Bonds spoke about to hopefully enhance what Southern Albemarle Family Practice is currently doing in the community.

Ms. Eboni Bugg, Director of Programs with the Charlottesville Area Community Foundation (CACF), said her programs team awarded the County and the Yancey Advisory Panel one of their Strengthening Systems Grants for 2019. She said those grants are assigned to support entities in creating solutions that impact the way in which services are delivered. She explained it was not a program and not scaling, but determining what is the best way to reduce inefficiencies and redundancies within systems. She said they were excited about the project.

Ms. Bugg said CACF believes that the Yancey Center will not only strengthen the system of care in service delivery in Southern Albemarle, but also serve as a nexus of community interaction and engagement. She said it has already become a gathering place and when talking about systems of care, what she has observed in attending the meetings is that the center does feel like a family, and that the needs and experiences of the residents are paramount to the decision making and success of the center.

Ms. Bugg said that while it is important to CACF that a sustainable and integrative model of care emerges out of the project, they are equally, if not more so, invested in witnessing a new model for citizen governments. She said CACF has watched the Yancey Community Center unfold over years to what it is today and has recognized the kind of investment the County is putting into it, particularly as it results to the creation of a new position that has language that hasn't existed before in job postings that asks for skills that include community organizing as a direct line from the citizens in that community all the way through to the Board of Supervisors.

Ms. Bugg said CACF expects and hopes to see how much this strengthens civic engagement and influences decision making, not just for the school, but for the locality. She said they also believe that there is much to be learned from a municipal community and foundation partnership, and they believe it is one that is innovative, groundbreaking, and opens the door for future collaboration.

Ms. Palmer thanked Ms. Bugg and CACF for the grant.

Ms. Amy Smith, Systems Director for Parks and Recreation, presented. She said open gym is running at the Yancey Community Center on Saturdays and Sundays. She said yoga and aerobics classes meet several times a week. She said people reserve the building for parties, family reunions, social gatherings and that the gym, cafeteria, and media center are all available for rent.

Ms. Smith said they will be coming back to the Board on a later agenda to redo their financial rental agreements so that they can get the center rented more often. She said they want to make sure they are using it to full capacity, and that they were slightly under capacity.

Ms. Smith said she had a note from Ms. Siri Russell. She read the note: "The first year of the Yancey School Community Center, as you see it, has been one of growth. We have learned a lot together about what it will take to make this facility a success. Staff believes that we have the right partners and resources to really bring this thing home and to make it really special for the whole area. While the Yancey School Community Center is not necessarily revenue-generating, it has the potential to bring tangible, measurable improvements to our community. As we move into the next year, we look forward to setting a lot more in place and being able to share with the Board even more community success. Go Yancey Team!"

Ms. McKeel asked if they were still working with PVCC on the possibility of some partnership.

Ms. Smith replied yes.

Ms. Palmer noted that PVCC is offering GED classes there now.

Ms. Smith confirmed this, noting there are presently classes being held there and that they would be expanding.

Agenda Item No. 13. Closed Meeting.

At 5:23 p.m., Mr. Dill **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia;

- Under Subsection (1), to discuss and consider:
 - 1) the annual performance of the County Executive; and
 - 2) appointments to the Albemarle Conservation Easement Authority; and
 - 3) county committees.

The motion was **seconded** by Ms. Palmer. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, and Ms. McKeel.
NAYS: None.

Agenda Item No. 14. Certify Closed Meeting.

At 6:04 p.m., Mr. Dill **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each Supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, and Ms. McKeel.
NAYS: None.

Agenda Item No. 15. Boards and Commissions.

Item No. 15.a. Vacancies and Appointments.

Mr. Randolph **moved** that the Board make the following Board Committee appointments:

- **Reappoint** Roger Schickedantz to the 5th and Avon Community Advisory Committee, with said term to expire September 30, 2021.
- **Appoint** John P. Moore to the Acquisition of Conservation Easements Committee, with said term

- to expire August 1, 2022.
- **Appoint** Rose B. Emery to the Albemarle Conservation Easement Authority (ACEA) to fill an unexpired term ending December 13, 2019.
- **Reappoint** Cynthia Neff, Kimberly Swanson, and Yolanda Speed to the Places 29 Hydraulic Community Advisory Committee, with said term to expire August 5, 2021.

The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, and Ms. McKeel.

NAYS: None.

Agenda Item No. 16. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Gallaway asked if anyone from the public wished to give comment on matters not on the agenda. Hearing none, he closed the matters from the public and proceeded to public hearing items.

Mr. Gallaway noted that, at the request of the applicant, Agenda Item 20. for the Hollymead Town Center Area A1 Transit Proffer Amendment Request was removed from the agenda. He said this change was made when the final agenda was approved earlier.

Agenda Item No. 17. **Public Hearing – ZMA201900001 999 Rio Road.** *(Advertised in the Daily Progress on September 2 and September 9, 2019)*

PROJECT: ZMA201900001 – 999 Rio Road East

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCELS: 06100-00-00-154B0

LOCATION: 999 Rio Road East, Charlottesville, VA 22901. Parcel is located at the intersection of Rio Road East and Belvedere Boulevard.

PROPOSAL: Request to rezone the property from R-4 Residential to NMD Neighborhood Model District to allow a mixed-use development with up to 46 residential units and small-scale commercial, retail, and professional office uses.

PETITION: Rezone 1.947 acres from R-4 Residential - (4 units/acre) to NMD Neighborhood Model District - residential (3 – 34 units/acre) mixed with commercial, service and industrial uses. Between 16 and 46 residential units are proposed with a density between 8 units/acre and 24 units/acre. A maximum of 10,000 non-residential square footage is also requested. Request for private street authorization per 14-233(A)(1); for variation of curb and gutter requirement per 14-410(I); for variation of sidewalk requirement per 14-422(E); and for variation of planting strip requirement per 14-422(F).

ZONING: R-4 Residential (4 units/acre)

OVERLAY DISTRICTS: Entrance Corridor, Airport Impact Area

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 2 of the Development Area of the Places29 Master Plan.

The Executive Summary forwarded to the Board states that, at its meeting on June 25, 2019, the Planning Commission voted to recommend approval of ZMA201900001 with staff-recommended revisions, and an additional revision to include screening on the northern portion of the property.

The Planning Commission also approved private streets and variations related to standards under the Subdivision Ordinance. The exception and variation requests to allow for amenity-oriented lots in Block 2 are included as Attachment A6. No additional action by the Board is required for the exception and variation requests.

In addition, after the motion for the rezoning application, the Planning Commission also recommended a Corridor Study for Rio Road East.

The Planning Commission's staff report, action letter, and minutes are attached (Attachments A, B, and C).

In addition, Commissioner Bruce Dotson was unable to attend the meeting, and provided a letter with his perspective in Attachment E.

The Planning Commission voted 4-1 to recommend approval of ZMA201900001 with the staff-recommended revisions set forth in the staff report.

Several concerns were discussed during the Planning Commission public hearing. The most prevalent concern was traffic. Many residents spoke about how existing traffic in this area is very challenging and that the Belvedere Boulevard and Rio Road intersection seems to be unsafe. The full discussion of these concerns is included in the Planning Commission minutes.

Since the Planning Commission public hearing, the applicant has revised the Code of Development and Application Plan to address the requested revisions in the staff report as set forth in Attachments F and G, including addressing the one factor unfavorable by providing 15 percent affordable housing. An additional revision was requested by the Planning Commission during the public hearing,

which was to include screening requirements for the northern portion of the property (by Shepherds Ridge Road), since there was already a screening requirement for the southern/southeastern portion (by Fowler Ridge Court).

One additional new revision was made to the Code of Development at the request of Planning and Zoning staff. The applicant revised the front and side setbacks to provide more flexibility. These setbacks are consistent with Neighborhood Model design and with standard County residential setbacks. The Code now also clarifies that setbacks in Block 2 are measured from the edge of the amenity area.

The Planning Commission also voted 4-0 (Spain abstaining) to approve the four subdivision street-related requests to allow for amenity-oriented lots in Block 2.

The Planning Commission also voted 5-0 to recommend a Corridor Study for Rio Road East to address traffic concerns, pedestrian and bicycle safety, access, connectivity, and street frontage. Staff has requested funding in the next Capital Improvement Program (CIP) for this Study.

Staff recommends that the Board adopt the attached Ordinance to approve ZMA201900001 (Attachment H).

Ms. Tori Kanellopoulos, Community Development Planner, presented. She said this was a request to rezone from R-4 Residential to Neighborhood Model District on one parcel totaling 1.94 acres at the address of 999 Rio Road. She said to provide a brief overview, she would provide the site context, current zoning, future land use designation, and proposed rezoning and application plan. She said that Mr. McDermott, Transportation Planner, and Mr. Adam Moore from VDOT would present on the transportation aspects of the proposal, and that she would then provide staff's recommendation and the motion.

Ms. Kanellopoulos said the proposed development is located at the intersection of Belvedere Boulevard and Rio Road East, at the main entrance to the Belvedere development. She said the site currently consists of a single-family home with several accessory structures. She said the property is adjacent to the Dunlora neighborhood, across Belvedere Boulevard from Covenant Church, and across Rio Road from CATEC.

Ms. Kanellopoulos noted that the County's GIS needs to be updated and that based on a plat submitted by the applicant, this parcel is not adjacent to Shephard's Ridge Road and does not have frontage on that road. She said there is a parcel in between that is owned by Dunlora LLC. She presented an image showing a survey submitted by the applicant, as well as an image of the County's GIS, noting that there was no proposed connection there.

Ms. Kanellopoulos said the property is currently zoned R-4 Residential, meaning that up to 7 units are allowed by right, or up to 11 units are allowed with bonus factors such as affordable housing. She said nearby zoning districts include R-4 and R-2 Residential, Commercial Office and C-1 Commercial, and Neighborhood Model District. She said there are no environmental features on the site.

Ms. Kanellopoulos said the property is designated Urban Density Residential in the Places 29 Master Plan. She said this classification calls for primary uses to consist of residential uses with densities between 6-34 units per acre. She said the proposal meets the density called for in the Comprehensive Plan, with the proposed density between 8-24 units per acre, depending on the ultimate number of units built, with a range between 16-46 units. She said secondary uses in this classification include supporting uses such as retail, commercial, office, and institutional uses.

Ms. Kanellopoulos said the proposal also extends the existing multiuse path, as shown in the Places 29 Master Plan.

Ms. Kanellopoulos presented the proposed application plan, indicating to two blocks. She said Block I is the higher intensity block and would have between 8-32 multifamily units and up to 5,000 square feet of retail or commercial uses, or up to 10,000 square feet if at least 5,000 square feet is for an office use. She said Block II is residential only and would have between 8-14 single-family attached or detached units.

Ms. Kanellopoulos said there are two entrances proposed off of Belvedere Boulevard, which would need to meet VDOT standards at the site planning stage. She said while there is no vehicular connectivity between the two blocks, there is pedestrian connectivity, including through the central green for the amenity-oriented lots in Block II.

Ms. Kanellopoulos said that for informational purposes, staff received a petition from neighbors with approximately 465 signatures opposing this development. She said this was first submitted after the staff report for the Planning Commission was completed, then was resubmitted to the Board of Supervisors earlier that week.

Ms. Kanellopoulos said that since the proposal is for a Neighborhood Model District, the applicant has submitted a code of development, which would regulate development in the proposal. She presented a snapshot that showed the potential build-out range for residential and non-residential uses, noting that only Block I permits non-residential uses. She said the proposed uses are consistent with the retail, office, and commercial uses described in the Places 29 Master Plan for Urban Density Residential designated

areas. She said the non-residential uses are intended to be at the neighborhood service scale.

Ms. Kanellopoulos said that after meeting with nearby residents, the applicant revised the code of development to specifically prohibit certain uses, including gas stations and storage yards.

Ms. Kanellopoulos said the maximum building height permitted in both blocks is three stories, which is consistent with the Comprehensive Plan. She said the applicant revised the maximum building height from four to three stories after receiving community feedback.

Ms. Kanellopoulos said Neighborhood Model District also requires 20% of the site to be amenity and greenspace, and that the proposal meets this requirements and includes a central green, a plaza, and two dog parks.

Ms. Kanellopoulos said there were four special exceptions and waivers included with the proposal, with the purpose of these being to provide amenity-oriented lots in Block II. She said all the special exceptions were approved by the Planning Commission.

Ms. Kanellopoulos said the most significant community concern for the proposal was traffic. She said Mr. McDermott and Mr. Moore would speak on the transportation analysis for the project.

Mr. Kevin McDermott, Transportation Planner, said the application was reviewed as it relates to transportation issues, recognizing that there were major community concerns related to transportation with the application. He said those concerns were primarily focused on safety, the delay for vehicles turning from Belvedere, and potential for cut-through traffic in other neighborhoods adjacent to it, as well as the general traffic increases on Rio Road and John Warner Parkway.

Mr. McDermott pointed out that there was not a Traffic Impact Analysis (TIA) required for the application. He explained that the state requires a TIA if a development will generate 5,000 or more vehicles per day. He said up until just a few years prior, the County used the state standard but since 2017, he and other members in Community Development, including engineering, Mr. Benish, and Mr. Mark Graham, set a new threshold for the TIA at 1,000 vehicles per day.

Ms. McDermott said that the proposed development still did not meet that threshold, either. He said according to the numbers the applicants provided, the maximum amount of trip generation from the site would be around 620 vehicles per day, at the most intense buildout. He said this would be approximately 67 A.M. peak-hour trips and 84 P.M. peak-hour trips, and that these include trips both in and out of the development. He explained this is why a TIA was not required.

Ms. McKeel asked if this information includes the Senior Center and what is proposed.

Mr. McDermott replied no, that the numbers provided would be for the traffic specifically generated by the application. He said the Senior Center and all other Belvedere development were separate projects and that TIAs were provided for those when those rezonings were approved.

Mr. Gallaway asked if Mr. McDermott said that Belvedere submitted TIAs. He asked if studies were done for The Center.

Mr. McDermott replied that The Center specifically did not. He said at the time, Belvedere was proposing a different mix of uses, but that The Center replaced some of the uses they had included at the time.

Mr. Gallaway asked if the SOCA study had been done longer ago.

Mr. McDermott replied yes.

Mr. Randolph asked if it was done in 2003.

Mr. McDermott replied that the Belvedere study was done in 2003-2004, and the SOCA study was done in 2007.

Mr. Randolph noted that this was ancient history in terms of the dynamics of the corridor, with its added growth.

Mr. McDermott agreed, acknowledging that things have changed there.

Mr. McDermott said he would have Mr. Adam Moore provide an overview of crash data and existing operations at the intersection to provide a VDOT perspective. He said he would then come back to discuss the planning happening there.

Mr. Adam Moore, representing the VDOT Charlottesville residency, presented. He provided background on VDOT's involvement and evaluation of the intersection of Belvedere Boulevard and Rio Road. He explained that it was requested of VDOT multiple times over the past several years to evaluate the intersection for a potential signal. He said those studies were performed in 2012, 2014, and 2016. He said the most recent study, in 2016, did not warrant a recommendation for a signal and did not meet any of the established warrants based on volume or preventable crashes. He said Mr. McDermott had a copy of the study to distribute, if needed.

Mr. Moore said that crashes at the intersection over the past five years, a typical term for safety studies, yielded 11 crashes at the intersection, two of which were related to deer. He said this totaled 9 crashes over the past 5 years relating in some way to the intersection. He said this was not an established safety concern in that the crashes they see are less than or equal to what is typical of this type of intersection with this type of volume.

Mr. Moore said that there wasn't a specific TIA done for the site as the trip generation, as stated by the applicant, would consist of 67 A.M. trips and, more specifically, 36 trips out in the morning. He said they could safely assume that nearly all of those would be coming out to Rio Road, due to the proximity, and the split on Rio Road would call for about half of the traffic to turn left, which is the most difficult movement at the intersection. He said 18 left turns in the peak hour make up about one additional left turn every 3 minutes.

Mr. Moore said though that the P.M. peak generates about 84 trips, it is more evenly split between in and out and that there is not as large of a number going through the more difficult left turn onto Rio Road.

Ms. McKeel said there is connectivity in the neighborhood and when looking at the traffic, it would seem as though the parallel roads or connectivity is being somewhat helpful.

Mr. Moore agreed, noting that connectivity is both a current requirement of street acceptance standards by the state, and encouraged by the County and VDOT to give people options. He said if traffic needs are evenly distributed along the available routes, bottlenecks and potentially troublesome intersections are minimized as much as possible.

Mr. Gallaway pointed out that there are three ways out of the neighborhood: the Belvedere/Rio Road intersection, across the one-lane wooden railroad bridge, and through Dunlora. He said the connectivity is emptying onto all the parallel roads running off Rio Road, and then traversing through Dunlora and up onto another intersection.

Ms. Mallek said going over Free Town, there is then the Huntington interchange to get out. She noted this was on a slope and was dicey on its own accord.

Mr. Moore said VDOT expects that people tend to find whichever way is easiest for the specific turns and direction their eventual destination leads them.

Mr. Dill asked when VDOT performs their traffic analysis, either formal or informal, if they take into consideration future traffic flows, noting that though The Center was not yet open, it would have not only regular traffic moving to and from it, but also traffic from special events.

Mr. Moore replied that it would depend on the context of the analysis. He said if they were planning for a public project, they would want to account for projects in development that were committed at that point. He said most cases, if VDOT is doing a traffic study in conjunction with a rezoning or Special use permit, they do consider any background traffic to identify the individual impacts of the application. He said that in this case, since they do not have the study, there was no study to include the background items in.

Mr. McDermott pointed out that the County does recognize that the intersection of Belvedere and Rio is a problem intersection, primarily because of the left turns. He said they do recognize that, based on the data they do have for the other developments, that it will become worse there. He said they are currently working with VDOT to try to come up with a solution, with different options. He said the signal is not completely off the table, but that new signals tend to be the last options they look for in these situations, with alternative intersection designs they are primarily looking for.

Mr. McDermott said that relating to the most recent transportation priority update, this intersection was ranked at Number 17 in the County to make improvements at, noting it was a high rank. He said there has been talk about this being a potential Smart Scale grant application in the next few years. He said the County does believe the intersection is an issue and that it needs to be addressed in the near future.

Mr. McDermott pointed out that staff does do other long-term planning through the corridor when working with the Charlottesville Albemarle MPO on their long-range planning process, which looks 20-25 years in the future. He explained that the MPO looks at average conditions over the whole day and that the peak hours are the primary issue. He said in this assessment, they did not identify Rio Road as a future congestion issue in the next 25 years, which was an average time they consider.

Ms. Mallek said when 24 hours are considered instead of three, it changes everything.

Mr. McDermott agreed, noting that the MPO wasn't looking at particular intersection operations but at link operations. He explained that the volume that Rio could carry is sufficient for what they expect it to carry over the next 25 years. He said that John Warner Parkway, on the other hand, was identified as a congestion issue in the future 25 years.

Mr. McDermott also pointed out that a recent analysis of the Rio Road/John Warner Parkway intersection showed that it is currently operating at a level of service "D," which is not quite failing. He

said, however, that in 2023, with the existing approved developments and expected increase in traffic, the intersection is expected to move to a level of service "F" in the 2023 P.M. peak hour. He noted this was something they expect to happen with or without 999 Rio being built.

Ms. Palmer asked Mr. McDermott what a level of service "F" at an intersection would trigger.

Mr. McDermott replied that it is an assessment tool and that what this means is that the average delay for all movements at the intersection would be 50 seconds at an unsignalized intersection. He said it increases to 60 seconds if it is a signalized intersection.

Ms. Palmer asked if this would trigger a warrant for a light.

Mr. McDermott replied no, not necessarily. He said the County has many intersections operating at a level of service "F" throughout the County. He said this unfortunately must be very bad at peak hour and that there are multiple warrants that VDOT considers such as peak hour, 4-hour, or 8-hour. He said it also depends on the amount of traffic that moves through at that period of time.

Ms. Palmer said she wanted to make sure the audience understood that a level "F" did not necessarily trigger something to happen.

Ms. Mallek said Mr. McDermott mentioned at 60-second wait, and that this would be for the first car in line. She said that if there are 50 cars queued up in the afternoon, each one will have to wait that long.

Mr. McDermott replied no, that the 60-second wait was for all vehicles stopped in the queue.

Ms. Mallek said that if 8-10 of the cars clear the queue when the light changes, the next 8-10 would wait another 60 seconds.

Mr. McDermott replied yes, noting again that this was the average and not only for one movement. He said if one movement is getting through faster, it reduces the average overall.

Mr. Gallaway asked how many Rio Road projects were on the current Transportation Priorities list.

Mr. McDermott replied there were four in the area currently, including the John Warner and Belvedere intersections, Rio at Pen Park, at Hillsdale, and the new potential intersection at Hillsdale. He said including the other section of Rio heading into the city, it would be five.

Ms. McKeel said that there has been talk about acting on improving the intersection through revenue sharing. She said generally, if they use the revenue-sharing concept for Smart Scale and add County money to it, they have a much better chance of receiving the Smart Scale funding.

Mr. McDermott replied this was correct.

Ms. McKeel asked if these issues were being considered in discussing some of the fixes, not only in the subject area but throughout the County.

Mr. McDermott replied yes. He said the funding they put into the Transportation Leveraging Program through the CIP is used to address high-priority projects, which he considered to be anything in the top 20 priorities, which both intersections are in. He said that would mean that the CIP money is available to put towards a Smart Scale grant, or revenue-sharing grant. He said the Smart Scale grant is awarded via cost-benefit analysis and that it is about the cost to the state. He said if the County puts in extra money, it will increase the cost-benefit analysis and increases the chances of winning the grant.

Ms. McKeel asked if the County put in \$2 million towards a \$10 million project, it would have a much better chance of being funded under Smart Scale.

Mr. McDermott replied that it would have a better chance.

Ms. McKeel said this was the importance of the revenue-sharing money that the Board prioritized. She said that the day prior, the School Board and Board of Supervisors met. She expressed it was fascinating that for the two boards, revenue sharing \$25 million, which really comes to \$50 million, as it is a one-to-one match was the top priority. She said this was great news.

Mr. McDermott agreed and said he wished they could move faster on the projects.

Mr. Gallaway said to presume that the intersection was the top priority project and was put through Smart Scale and revenue sharing. He asked what the timeline would be for the project, if this was the best-case scenario.

Mr. McDermott replied that this would mean they could likely start designing around 2023 or so, as Smart Scale would be awarded in 2020 and then it takes 3-4 years before the money starts coming to the County. He said the project likely wouldn't be complete until 2026.

Ms. McKeel said this was actually a better timing than she had thought.

Mr. Gallaway reminded her that the project was number 17.

Ms. McKeel acknowledged this.

Ms. Kanellopoulos said that based on the factors favorable, staff recommended approval of the application. She said there were several changes made to the application between the Planning Commission and Board of Supervisors. She said changes requested by staff were outlined in Attachment D and were included in the staff report for the Planning Commission.

Ms. Kanellopoulos said the Planning Commission had also recommended an additional change, which was to provide additional screening requirements in the northern portion of the property by Shepherd's Ridge Road. She said the applicant updated the code of development to include this change.

Ms. Kanellopoulos said there was one additional staff-recommended change, which was to provide a range of front and side setbacks instead of just a fixed number in order to provide more flexibility at site planning stage. She said these setbacks are consistent with Neighborhood Model principles and existing county residential setbacks.

Ms. Kanellopoulos said the one factor unfavorable in the staff report has since been addressed, as the applicant is now providing 15% affordable housing with the request, consistent with the County's Comprehensive Plan.

Ms. Mallek said the concept of the Neighborhood Model was that there will be ample space on the property to have a true, bonafide mixture of uses that creates some kind of destination unto itself. She recalled a number of years before, there was a 20-acre minimum and did not know if this was custom at the time or if it was actually written into the ordinance and went away. She said her question was to how something so small truly, in anything other than name, call itself a Neighborhood Model, especially when it is far removed from other commercial places down the road. She said there seems to be a break in the kind of land use once crossing over the railroad tracks.

Ms. Mallek said she knew that it was currently in the Master Plan and that in the Crozet Master Plan from 2005, there were destination high-density locations sprinkled throughout the existing neighborhoods. She said in 2010, when the last revision happened, those were all erased because the neighbors and community at large realized that introducing the commercial space into the middle of their established neighborhoods was a disaster. She said this is what came to mind when she saw the 999 Rio application, that it was small and unable to take care of itself because of its size. She asked for staff's feedback on those concerns.

Ms. Kanellopoulos replied that her understanding was that for a Planned Unit Development, there is a 100-acre minimum which could be reduced by special exception. She said that for Planned Residential Development, it does not allow for any non-residential uses except by Special use permit. She said the Neighborhood Model is the only zoning district to allow small-scale commercial uses with residential and that her understanding was that this was why the applicant chose it.

Ms. Mallek noted that Hollymead Town Center and Stonefield are thought about as true, bonafide Neighborhood Model developments.

Mr. Benish replied that it has been used as a tool and that the lofts down the street on Rio Road actually use the Neighborhood Model District because its density was high enough that this district had to be used. He said the mixed-use component of it was assessed based on the surrounding open space area that was available at the Catholic School and Pen Park.

Mr. Benish said that particularly on smaller sites, staff does not always simply look at the Neighborhood Model and assess it against the property itself, but within the context of the property and the immediate surrounding area. He said it was fair to assess what is available around the property, but that staff does not just assess for Neighborhood Model District what can occur specifically on the site, but what is immediately available. He added that it is a tool that allows to provide for a mix or higher density on the site that other districts do not allow.

Ms. Nicole Scro, a former land use and zoning attorney who started her own real estate development company, Gallifrey, presented with Mr. Justin Shimp of Shimp Engineering. She said she would answer four questions as to how the project complies with the Comprehensive Plan, how it is compatible with the surrounding area, if it meets a community need, and if the applicant has listened to the neighborhood.

Ms. Scro said the Comprehensive Plan is the long-term plan for the County and is what developers look to when they assess what should be proposed on a project. She said the application is within the bullseye of what the density is recommended for in the area. She said the Comprehensive Plan designation is a higher density, between 11-66 total units, and that the applicant was proposing 20 less than the maximum. She said besides the density, there is a few other recommendations in the plan, including maximum building height, noting the applicant is one story less than the maximum.

Ms. Scro said the Comprehensive Plan encourages a mixture of uses and housing types on all parcels and looks to create a livable and workable environment so that residents don't have to drive as far to commercial sites. She said the Comprehensive Plan encourages a mixture of commercial and

residential in a higher area, especially on high-frequented roads. She said Rio Road is highly frequented and should, therefore, have a higher intensity of development on it.

Ms. Scro said that while they also have higher intensity in the front of the property oriented towards the higher-intensity street, it is small in scale. She said the building footprints are only 5,000 square feet, equating to only two of the Ryan Homes adjacent to the property.

Ms. Scro added they are also connecting the multi-use path, which is also in the Comprehensive Plan. She indicated to the path on a map, noting that it ends at their property. She said there has been discussion about how this would be required for a by-right development. She said if they were a by-right development, only a 5-foot sidewalk would be required rather than a 10-foot multi-use path. She said a 10-foot path is essential as it can accommodate bicyclists as well as larger events, such as the Charlottesville 10-Miler and Charlottesville Marathon. She said this was an exciting connection to make from Downtown Charlottesville to Belvedere Boulevard, with the plan being to continue it down Rio Road to the Small Area Plan.

In terms with being compatible with the surrounding area, Ms. Scro acknowledged that the property is in a residential neighborhood. She presented a picture from the viewpoint of driving down Rio Road from Route 29, noting the gas station, thrift store, and commercial zoning to the left. She noted CATEC on the other side of the road, explaining it was a very large building at 50,000 square feet. She said turning onto Belvedere Boulevard, there is the Covenant Church, which is also 50,000 square feet. She indicated to the vacant lot where The Center will be, noting it was another large building. She said going down Belvedere Boulevard, one arrives at a very large apartment complex at 340 units.

Ms. Scro explained the intensity already exists in the corridor and that looking out at the property, there are churches with houses in the distance. She said the houses being proposed in the other direction of Rio Road, in the newly constructed Dunlora Park, are townhouses being proposed along Dunlora Drive that have already been approved. She said these townhomes will be 35 feet in height with several units attached together, resulting in a wide building. She said the massing of the townhomes will be similar to the proposed property and, if anything, the proposal's building will be smaller in scale. She said in both directions down Rio Road, the project conforms to the scale, massing, and uses that are there, and especially down Belvedere Boulevard.

Ms. Scro said whenever she visits the area, there are always people walking their dogs and jogging. She indicated on the map to buildings on Belvedere Boulevard, explaining that they are three stories, with few buildings in the complex being four stories. She said taking two of those buildings in that complex, this would make up the size of their project. She said the application is parallel with the existing development at the intersection and corridor.

Ms. Scro presented pictures of The Reserve at Belvedere, The Center, and Ryan Homes adjacent to the project, noting that they are three stories, or 35 feet in height, from Rio Road, though they are two stories internal to each other. She said the project is small in scale and while they have some intensity in uses, they are small in massing. She said they have also considered prohibiting the uses that have the most impact, such as gas stations, convenience stores, and entertainment centers.

Ms. Scro said the intent and purpose of the project is to have a medical use, accounting firm, or something small. She said these are the only people that have given feedback and that an accounting firm is very interested in the parcel. She said an accounting firm may actually produce less traffic than having only single-family detached houses there. She said single-family detached houses, because of family sizes and kids' activities, can produce more traffic and trips than a smaller office building or smaller apartment complex.

Ms. Scro said the applicant submitted trip generation numbers to staff, and though they proposed a maximum commercial and maximum residential, they will trade off between each other because they cannot fit both those maximums on the property. She said they were not asking for what the transportation planner and the VDOT representative said would have minimal impact, but that they were actually proposing between 45-80% of that number.

Ms. Scro said she was personally driven by the part of the project that includes a housing type that is currently not in Albemarle County or Charlottesville, which was a small house. She presented pictures of a small house cottage cluster, which have been done on the West Coast, Arkansas, and Washington State. She said 1 acre will contain 10 houses consisting of 11 dwelling units per acre, and that their house size will conform to what has previously been done in those successful communities.

Ms. Scro presented a picture of what the typical small house development looks like. She said that by having a smaller house, developers can lower their construction costs and offer a house between \$280,000-380,000. She said there is no new house that is single-family detached in all of Albemarle County that is at this price point and if this type of house is desired, one must buy a townhouse or live 30 minutes away. She said there is building going on in Greene County and Palmyra, which is where someone has to live if they can't afford a home over \$380,000. She said those people are then driving to Charlottesville to work.

Ms. Scro said that denying this project would not change the traffic on Rio Road and that people will travel down Rio Road to go to work. She said this is a place where people want to live and where jobs are. She said this would not change, regardless of the development. She urged the Board to allow these people to afford to be able to live in the place where they work. She said they would also be traveling

down less dangerous intersections if they live closer to their jobs.

Ms. Scro said she met with the adjacent residents of Shepherd's Ridge and the Ryan Homes development. She said they have incorporated some of the screening to address their concerns.

Ms. Scro reiterated that the proposal is consistent with the Comprehensive Plan, compatible with the area, is doing something innovative with a new housing prototype, and that the applicant has listened to the neighbors as best they can.

Ms. Mallek asked how many parking spaces there would be.

Ms. Scro replied there were 69 spaces shown on the plan, which would be dependent upon the eventual tenant.

Ms. Palmer noted that offices would likely have people coming and going throughout the day.

Ms. Scro said it depended on the use and was difficult to say.

Mr. Gallaway asked for the square footage of a small house.

Ms. Scro replied they are 800-1,600 square feet.

Mr. Dill asked why the applicant decided to do commercial and residential together, as it seems like having a small house community was desirable, but to mix it with an accounting firm spoils it.

Ms. Scro said she struggled with the question because she wanted to build as many small houses as possible. She said she was convinced by standing on the property at Rio Road, noting that it was a high-volume street. She said if they were to design two clusters, or one large cluster, they would be 20 feet from Rio Road and that she did not believe this was a quality development to have a single-family detached house 20 feet from a highway, even with buffers. She said if they did not propose something that had a mixture of uses and housing types, such as apartments, it would be considered a negative factor, according to staff, and they would not be consistent with the Comprehensive Plan.

Ms. Scro said the Neighborhood Model principles that include encouraging mixtures of uses and types are assessed for each project, regardless of size and zoning. She said they were also trying to comply with the Comprehensive Plan, not only the quality of the single-family detached residence.

Ms. Scro said another thing that Planning Commissioner Bivins brought up was that there was focus on the Small Area Plan further up Rio Road and that the County wants developments to orient towards Rio Road, rather than inward, so that they can begin to activate the street and that it can become a "boulevard" designation that is more pedestrian and bike friendly. She said they are trying to provide a buffer to the single-family detached houses in the back and that there is still a need for apartments. She said she believes the uses are the best for the site, reiterating that they have prohibited uses that would have the most traffic impacts.

Mr. Randolph asked Ms. Scro if she viewed the project as infill development, stating that she was proposing an intensity of use that was not necessarily consistent with the immediately contiguous properties. He said the site is relatively small, and that the proposal concentrates a higher density in a small site and asked if she would therefore look at it as an infill development.

Ms. Scro said she understood the idea that the project could be considered infill and would want to have a larger conversation about how, when looking at the Riverside development which has commercial in the front and residential in the back, the staff analysis determined they wanted the higher intensity oriented toward Stony Point Road. She said the parcel was not small, when considering urban planning, and that Commissioner Firehock had noted the same. She said this was not small for urban development and that this kind of development was needed in Albemarle County to be able to accommodate the growth already happening.

Ms. Scro said she did not believe the project wasn't consistent with the surrounding area. She said there is a 350-unit apartment complex down the road. She said she did want to be sensitive to the Ryan Homes adjacent to the project, but that she believed she satisfied their desire to have screening.

Mr. Randolph said the Comprehensive Plan clearly indicates that in this location, the use that is proposed is consistent with the vision in the plan. He asked if the Comprehensive Plan takes into consideration traffic at the location.

Ms. Scro replied yes, and that if traffic was considered under the guise of the Comprehensive Plan, it would determine that high intensity should be there, as it is a highly-frequented street. She said otherwise, people will be driving and using the roads more. She said considering the transportation impacts of the region, intensity should be concentrated in one area, as this was the point of the Comprehensive Plan.

Mr. Gallaway opened the Public Hearing.

Mr. Kent Schlusell, Rio District, said he had talked to the Board several times about the rezoning

of 999 Rio Road. He said that while the Board considers its decision on this parcel of land, they will hear many reasons why they should not rezone. He said that just two weeks prior, many of the Supervisors questioned a site plan revision at only 20 vehicles at Pantops. He pointed out that they would now be considering many more vehicles, according to the applicant and that he hoped they would remember this discussion from two weeks prior.

Mr. Schlusell said he would discuss the R-cuts, which is in the application as a possibility. He said that for several weeks, he researched and studied R-cuts, adding that for three years of his career, he worked for the joint Chiefs of Staffs at the Pentagon conducting logistical and transportation studies. He said for this reason, he has a good understanding of traffic flows.

Mr. Schlusell said he reviewed documents from the Federal Highway Administration and VDOT on R-cuts, noting there are many different types. He said the County, in fact, already has one, explaining that the CATEC intersection at Dunlora Drive could be considered one. He expressed that this intersection was not working well.

Mr. Schlusell quoted from the application, "Will coordinate with VDOT and dedicate the right-of-way needed for future improvements." He said this indicates that R-cuts will somehow improve the current and future situation. He disagreed and said it was wrong. He said to put in an R-cut in some place down Rio Road from Belvedere would be very costly. He said the right-of-way the applicant is willing to give VDOT, as needed, is not owned by the applicant.

Mr. Schlusell said that according to the Federal Highway Administration, any R-cut requires acquisition of land and more than likely would widen the railroad bridge as well as Rio Road itself. He said it would also cut off several businesses on Rio Road.

Mr. Schlusell explained that on the south side of Rio Road, between Belvedere and Greenbrier, a distance of about 1,000 feet, there are six driveways on one street, not counting Belvedere and Greenbrier. He said on the south side, there are another six driveways and an entrance to a church across on Belvedere Boulevard. He quoted the Federal Highway Administration document, which stated, "Does not allow for driveways or side streets near the entrance to a U-turn crossover." He said in other words, to accommodate the applicant's desires, there would likely be several businesses ruined along the way, causing more problems.

Mr. Schlusell added that, according to Federal Highway documents, R-cuts require additional right-of-way for widened medians, which reduce the number of through-lanes. He asked the Board if they wanted to reduce the number of through-lanes on Rio Road. He said the solution would be very costly to the County in terms of construction, a reduction of tax revenue that would not be made up of proposed development on Rio Road.

Mr. Schlusell said that with additional traffic coming with the opening of The Center, development of Belvedere, and SOCA fields, the area does not need any additional vehicles with this development. He urged the Board not to make a poor traffic situation worse and to not rezone the property for the sake of citizens' safety.

Ms. Judy Schlusell, a resident and homeowner in Dunlora, said that staff analysis has stated that under a mixture of housing types and affordability, "Staff feels that this principle is partially met and that not meeting the affordable housing goal in the Comprehensive Plan is a factor unfavorable." She said that throughout all the documents regarding the rezoning, there seems to be a variance of sometimes as many as 30 homes proposed to be built. She quoted from those documents, "The ultimate use of number of units will depend upon the market demand." She asked when, exactly, is market demand determined.

Ms. Schlusell said that staff commented under Building of Spaces of Human Scale, "The maximum building height, per COD, is three stories in both proposed blocks, which is consistent with the scale of the area. The maximum building footprint of 5,000 square feet, which is roughly equivalent to the footprint of two single-family homes in the adjacent Dunlora neighborhood."

Ms. Schlusell said on the one hand, the developer is comparing single-family homes of 2,500 square feet in the adjacent neighborhood to the proposed three-story building, including small units between 800-1,700 square feet to be aesthetically compatible. She said this was similar to having an HGTV tiny home being built next to what would then be viewed as a mansion. She said no other buildings from Pen Park Road to the railroad tracks are taller than two stories, so the proposed three-story building would most definitely not be in keeping with the surrounding environment.

Ms. Schlusell said that according to the documents on the Albemarle County website, the Planning Commission voted 5-0, recommending a corridor study for Rio East to address traffic concerns, pedestrian bike safety, access connectivity, and street frontage. She said staff has requested funding at the next CIP for this study and asked exactly when this would take place.

Ms. Schlusell recalled that when the form-based code panel spoke, they all indicated that the infrastructure needed to be in place prior to doing any redesigning. She said that, in essence, if rezoning is approved, Albemarle is "putting the horse before the cart," and that this wasn't particularly effective.

Ms. Schlusell said that traffic in this flow continues to be a concern and asked if school transportation been included in any discussions in regard to the rezoning and proposed roads. She said

with student pick-up and drop-off, a theoretical scenario would be that a school bus has to stop on Belvedere Boulevard. She said cars traveling on Rio Road queue up to make the right turn onto Belvedere Boulevard and because of school bus laws, they would have to stop. She said traffic could be queued up on Rio Road, waiting to make the left turn onto Belvedere Boulevard, so with a school bus on Belvedere, traffic would be then backed up on both Rio Road, east and west, creating havoc with the traffic flow several times throughout the day.

Ms. Schlusser said the scenario was just for the school week. She pointed out that Sunday traffic from the Covenant Church presents other concerns and therefore, traffic is a daily concern. She stressed that traffic issues cannot be taken in isolation, and that it was most important for the entire Board of Supervisors to look at the big picture in regard to the current infrastructure, as well as looking to the future of Rio Road as its designation as an Entrance Corridor.

Rabbi Joel Schwartzman, 920 Charter Oaks Drive, Dunlora, said he and his wife moved into the neighborhood years ago and that he has watched, with increasing concern, the amount of traffic that has built up over the years. He said the density is ever increasing and that he didn't believe that the proposed project considers that there are several new buildings that have already been constructed, but in which the dwellings have not yet been occupied, which will add to the traffic.

Rabbi Schwartzman invited attendees to come any evening or morning and join residents as they sit in traffic, pointing out it was getting worse. He said he had hoped the John Warner Parkway would be expanded before considering any more building in the area. He expressed that The Senior Center will produce more cars and questioned how many more vehicles the parkway could stand, as well as the already-congested Rio Road.

Rabbi Schwartzman commented about what he deemed a sad situation at Fashion Square, which is not far from Dunlora and has empty space in it. He said it needs to be renovated desperately. He expressed that the County does not need to place more commercial buildings in the neighborhood because there is already space that is available and could be better developed or redesigned.

Rabbi Schwartzman said in terms of deer kill, the area along John Warner Parkway is a place where many animals get killed. He said they may not necessarily be deer. He said he did not know what the solution was, short of building some type of animal bridge underneath the road.

Rabbi Schwartzman said that noise pollution was an issue. He also said he did not see a playground for children in the proposal. He said he did not know what effect it would have on overcrowding the schools. He said there was a point at which density begins to operate against everyone. He said this was not a NIMBY ("Not in My Back Yard") issue for him and that he didn't mind that it might be in his backyard, but that it was a matter of how much the quality of life would be impacted.

Ms. Janie Pudhorodsky said she has lived in the Rio District, in Dunlora, for the past 18 years. She said she was the co-president of IMPACT but that she was not speaking on behalf of them, although her volunteer time with IMPACT has informed her of the need in the area for housing. She said she would likely be the only resident of Dunlora who would urge the Board to approve the rezoning of 999 Rio Road. She said she understood her neighbors' concerns that the development will likely cause an increase in traffic and safety concerns, but admitted that she has never had a problem going in and out of the neighborhood, adding that she does this at many different times throughout the day.

Ms. Pudhorodsky said that opposing rezoning is not the best path for the larger community. She said the Comprehensive Regional Housing Study and Needs Assessment done by the Thomas Jefferson Planning District Commission in 2019 clearly indicated that the community is in a housing crisis. She said the summary staff presented indicated that there are too few units to meet the demand for housing, both rental and ownership. She said one of the recommendations is for increased options for workforce housing for households with incomes between 60-100% AMI.

Ms. Pudhorodsky said currently, many of the people providing services to the community such as teachers, policemen, and firemen drive until they qualify to the outlying communities. She said their housing then adds transportation costs and time away from their families in their commutes each day.

Ms. Pudhorodsky said that those who have lived in the Dunlora community have been privileged to live near their work and other conveniences of being in the urban ring. She said the development will include 15% of the units at 80% of the AMI, expressing that she wished it had a lower AMI but that it was at least a start in allowing some of those people who have to drive until they qualify to have the ability to live close to their work.

Ms. Pudhorodsky said that as staff has stated in the present meeting and in previous ones, the property is designated Urban Density Residential in the Places 29 Master Plan, and the proposal meets the density called for in the Comprehensive Plan. She said the community needs the rezoning for increased density within the urban ring, such as this development. She urged the Board to approve the rezoning.

Ms. Marty Topel, Rio District, said that she saw a bumper sticker in town that said, "Farmland lost is farmland lost forever." She said she couldn't help but think of Dunlora and how they are on that

precipice. She said putting three-story apartment buildings on the corner of Rio and Belvedere is incongruent with the neighborhood. She said they should not double-down with the three-level homes that back up to Rio Road, but rather continue the landscaping to mask them, making that area as attractive as possible. She said they were not an excuse to usher in three-story apartments with commercial space, plus tiny homes.

Ms. Topel said the area is the Entrance Corridor for Dunlora and according to those guidelines, new development should “harmonize with the existing character of the corridor” and that “buildings should relate to their site and the surrounding context of buildings.” She said three-story apartments do not meet those parameters. She proposed there could be townhouses or smaller homes built on that corner that would address the needs for more multiple housing, and yet be a sensible step more readily assimilating with the adjacent Ryan Homes. She said it would also lessen the increased amount of traffic that the three-story apartments, tiny homes, and commercial space would produce that would pour onto Belvedere.

Ms. Topel said this was their community and that they have a horrendous traffic situation that will only get worse with the already-planned construction. She pointed out they had already fulfilled the need for apartments, with two huge, four-story apartments just down the road on Rio, plus the ones in Belvedere. She said there is no responsible reason that this corner of Rio Road and Belvedere should have three-story apartment buildings with commercial space and tiny homes. She countered that there should be carefully planned, responsible solutions that allow the County to meet the need for more housing but add and contribute to a beautiful community.

Ms. Topel said Dunlora has been amenable to much growth and change in the neighborhood, but they have now reached a tipping point. She said this was a critical decision, as there would be no turning back. She asked if Dunlora would be lost forever.

Mr. John Springett, Rio District, said during the past several months, he had spoken several times to both the Board and Planning Commission in opposition to the rezoning request. He said additionally, he had written several detailed letters and emails explaining his reason for his opposition.

Mr. Springett said he would summarize his points. He said the current Rio Road transportation infrastructure is inadequate and is already needlessly dangerous to County residents. He said adding more traffic without completing substantive transportation improvements simply makes no sense and is a disservice to County residents. He added that there are no current plans or funding to upgrade the infrastructure. He said that with everything that was said from staff and VDOT, if everything worked perfectly and the improvement was a number one priority, it would take 6 years to complete. He pointed out that it was not the number one priority, but rather, number 17 and that this could take 10 years, 15 years, or longer and perhaps not in his lifetime.

Mr. Springett said the proposed rezoning replaces an already limited public greenspace in Neighborhood II with more asphalt and is in direct contradiction to the County’s stated environmental goals. He said the quality of life of the residents in the development area is important and must be considered in the Board’s decision. He added that the proposed property design, in content, is inconsistent with numerous Entrance Corridor requirements and is fundamentally incompatible with the character of the surrounding communities. He said they do not need, or want, commercial or retail activities force-fitted into a residential area just to satisfy a notional plan.

Mr. Springett noted that nearly 500 taxpaying, voting residents in the adjacent communities oppose the rezoning and have sent a petition to the Board so stating. He concluded that the rezoning request should be denied.

Ms. Marcy Springett, Rio District, Dunlora resident, said that recently, a good friend and neighbor of hers said, “I don’t think our Supervisors are even listening to us. They’re all zoned out.” She said this is exactly what she has been struggling with. She said for the past many years, she and her husband have been attending the County open forums concerning the bypass controversy, the Rio-29 Small Area Plan, and now, all the designated urban district rezoning applications, particularly in Neighborhood II.

Ms. Springett said the zoning districts and ordinances are changing more quickly than she could keep up. She said she did not understand how the County can change the Comprehensive Plans so drastically without any actual citizen agreement or approval. She said although the citizens do vote for the Supervisors, it is up to the Supervisors to select the members who will fill the committees, the CAC, Planning Commission, ARB, Zoning Board, and the county staff that all play a role in the comprehensive changes. She said they give the developers enormous choices in how they, the developers, may now redevelop an area.

Ms. Springett quoted from Chapter 18, Zoning Section 20A, Neighborhood Model (NMD), “These regulations are intended to provide an applicant with maximum flexibility in creating and implementing the general development plan and code of development.” She expressed that this gives too much leeway to the developer and absolutely no say to the neighbors until, finally, the zoning signs go up.

Ms. Springett said that the less-than-2-acre plot is too small to infill with dense, urban development. She said the application has multiple, severe problems with transportation, school enrollment, and service choices and does not have any likeness to the surrounding neighborhoods. She

said she could speak for herself and well over 500 neighbors in and around Dunlora when she urged the Board not to change the by-right zoning of 4 units per acre.

Mr. Ed Guida, Rio District, resident on Shepherd's Ridge Road, said growth in the County is good and evitable. He said growth without sensible planning, however, is not good and must be avoided. He said this is an important area for everyone, and on his part, he is striving to be an informed citizen of the County planning process through reading county documents and attending county meetings. He said so far, it has been a struggle, because he doesn't have a degree in urban planning, or politics.

Mr. Guida said that as he learns more and understands the proposed projects, large red flags have appeared. He said adequate infrastructure for this type of growth is not in place, nor would it be for years. He said effective citizens' voices appear to not mean much, and the character of the existing neighborhood doesn't seem to figure into the County's thinking.

Mr. Guida said the 999 Rio Road East and Parkway Place projects will increase the population density on land which is now zoned commiserate with the adjacent neighborhoods around them. He said the infrastructure was not in place to include large area effective traffic flow and safety. He said this cannot be the task of the developers because it is clearly beyond their plots of land. He asked why the improvements couldn't be done first, rather than proceeding and having all but the developers suffer.

Mr. Guida said traffic improvements alone will most likely cost millions and take years to put into place, even if they were funded tomorrow. He said this was not his opinion, but that of the County staff.

Mr. Guida said that over 500 citizens have, in the petition given to the Board, voiced their opposition to the projects for a variety of sensible and safety-related reasons. He said progress or growth must be managed without significantly disrupting the lives and safety of citizens. He expressed his frustration that the projects continue to move forward towards approval. He said there are real and present issues that should make everyone step back and reconsider a better transition plan for growth in the area. He asked if more discussion could not be held on where there is disagreement on getting from the present state to the future.

Ms. Janice Huebner, Rio District, resident of Dunlora, spoke against the rezoning of 999 Rio Road, noting that there were already traffic issues on Rio Road and John Warner Parkway. She said the apartments next to the Catholic School are still being built, and that Lochlyn Hill and Dunlora Park were still being built as well. She said construction in Belvedere would continue for some time and that, in addition to more homes, The Senior Center and a soccer field are being added there. She said a large development is being built on Polo Grounds Road.

Ms. Huebner said that all of this development will bring more traffic to the already busy area. She said that getting in and out of the Rio Road/Belvedere intersection is dangerous now and will be complicated not only by the increase in traffic from the developments already in progress, but especially by any development on that corner.

Ms. Huebner said no new commercial space should be considered in the 999 Rio Road plan when there is so much unoccupied commercial space in the area. She ventured to say that there was unused commercial space in nearly every strip mall or business park between Belvedere and Route 29, including Seminole Square and Fashion Square Mall. She asked why the Board would approve any additional commercial space.

Ms. Huebner said when driving from Dunlora to Route 29, there is very little greenspace left. She said if the County could not leave 2 acres of greenspace alone, they should at least keep it zoned R-4. She asked that instead of building right on the road and bringing the look of the city into the County, the development should be set back from the road to maintain a more green, rural look. She suggested that sometimes less is more.

Ms. Jennifer Mathis, Dunlora resident, said she was concerned about the traffic issues the residents of Dunlora are currently facing and that no one seems to know how to fix them. She said those issues will only be exacerbated by the rezoning application.

Ms. Mathis said that on June 25, she presented information to the Planning Commission showing the current development in the Neighborhood II district, along with what has either been approved or proposed. She said that since June 25, residents have become aware of two additional developments, with 100 apartment units at Rio Greenfield and up to 550 at Arden Place. She said doing the math before, there would have been an increase of over 33% and now, it will be over 50%. She said this was 50% more residential units, which would mean 50% more traffic.

Ms. Mathis said that her understanding was that the Planning Commission does not look beyond the project before them when making recommendations. She said nor, as she has learned, does VDOT look beyond the trips generated by a single project when determining whether there should be a Traffic Impact Analysis. She asked the Board not to look at the individual project, but at the whole picture. She said Neighborhood II already has significant traffic issues with no improvement proposed.

Ms. Mathis said what is being proposed will cause those problems to become extreme and will

destroy all available greenspace in the area, at a time when communities are recognizing the need for greenspace for the environment. She asked the Board to curb what she deemed to be destruction and to vote no to the rezoning of 999 Rio Road.

Dr. Kathie Hullfish, Rio District, Dunlora resident, said the arguments for and against the proposal are full of facts, figures, and lots of emotion. She said her firm belief was that everyone participating in the debate has good intentions in mind, with the overall goal of maximizing an outstanding quality of life for citizens in the community.

Dr. Hullfish suggested another compromise in the proposal, which could alleviate the myriad of concerns and competing interests on many sides. She said she had already offered her thoughts to Ms. Scro on the matter. She recommended that the current proposal be limited to Residential Home Use only, using the small house cluster concept and foregoing the apartment and commercial aspects of the plan.

Dr. Hullfish explained the rationale behind her recommendation. She said that small homes in a circle would, to some degree, provide affordable housing options, which are sorely needed in the County. She said the impact on traffic and safety would be mitigated from the alteration, with much less residential and no commercial traffic. She said as was already alluded to, it seemed ill advised to try and fit a mixed residential and community model on a plot which is under 2 acres in size. She added that there are ample apartment and commercial growth opportunities nearby.

Dr. Hullfish continued that if the noise from Rio Road remains a concern of the applicant, in a circled housing model only, consideration could be given either to a common building and/or more open space to be used by those residents. She said this would also enhance a sense of community.

Dr. Hullfish concluded by imploring the Board to restrict the current rezoning proposal to residential single homes only in the cluster model. She said she believed that further dialogue and modifications are much more likely to align with the goals of the County's Comprehensive Plan while simultaneously assuaging the real concerns of those who live nearby.

Ms. Sheila McCormick, a 20-year resident of Dunlora, said she had a vested interest in the rezoning potential. She said the Belvedere and Rio area is currently the site of numerous accidents, noting that there was a three-vehicle accident just hours before the July Board of Supervisors meeting. She said multiple accidents happen there repeatedly and that many people seriously exceed the speed limit. She said cars exiting Belvedere onto Rio are always at extreme risk, with no light signal planned, to her knowledge. She said with the parkway and Rio Road both being two lanes, the County could not add more traffic to those roads.

Ms. McCormick said that with the Wetzel property looming close by for rezoning as well, the 999 parcel should not be rezoned for anything other than its current use. She asked if it was legal, let alone ethical, for Ms. Scro to have a place on the Rio District Community Advisory Committee when she is the potential developer of the property. She added that Ms. Scro does not live in the Rio District.

Ms. McCormick said she has been told that the Board of Supervisors wanted a developer on the committee. She pointed out there was a plethora of Albemarle developers with extensive experience and stellar reputations and that perhaps one of them would have been a better choice. She said that with citizens being concerned with scandals in the national and state governments, she wondered if they were seeing the same thing in local politics. She said she would like to know how and why Ms. Scro was selected to be on the Rio District CAC.

Ms. McCormick said no rezoning should be done, as some greenspace is needed, schools are overcrowded, traffic will become a bigger nightmare, and because the situation was questionable at many levels.

Mr. Whitman Cross, a resident of Dunlora for 20 years, said The Senior Center, where he was a former board member, is planning to open in April 2020. He said it will have a Greenberry's franchise, which will be open to the public, as well as a Sentara Medical Center. He said this will increase the traffic flow to and from that area.

Mr. Cross said one aspect that has not been mentioned was the age of the drivers that are adding to the cars in that area. He said he was a personal trainer for 20 years at ACAC and has worked with the older population's limitations, expressing that the thought of these older people making left and right turns terrified him. He said the greatest impact on accidents for seniors is crossing more than one line of traffic and making a left or right turn slowly.

Mr. Cross said he had not heard much about the greenspace that is to be lost by the project. He said greenspace is required in the Entrance Corridor documents. He said this was not just talking about flowers, which VDOT had mentioned would be put in the triangle at the intersection outside of Dunlora, but that greenspace also includes trees and large areas that will visually impact people coming into Charlottesville. He said that once greenspace is lost, it can never be returned. He said that any development that will reduce the amount of greenspace of the type being discussed should not be permitted.

Ms. Alexis Haley said she lives directly across the street from the back of 999 Rio Road at Shepherd's Ridge Road. She said that how 999 Rio is developed has a significant impact on the value of her home, and especially the peace and quiet, privacy, and landscape that she sees unobstructed outside her window almost 24 hours a day.

Ms. Haley said the heart of her opposition to the project is the nature and density of the proposed development, noting that it was incompatible with the surrounding environments, especially the three Dunlora homes directly behind the property. She said that even as she opposes the rezoning application, and even as she profoundly regrets purchasing her home, she thanked Ms. Scro for meeting with her and other neighbors and who has followed up with her in an ongoing conversation.

Mr. Tom Wheeler, Rio District, Dunlora resident, expressed that he was tired of coming to meetings. He said there was first Dunlora Forest, which had to be rezoned. He said after that, there was a rezoning for Dunlora Ridge, as well as Dunlora Park. He said when he first moved to the area 18 years before, the rulebook said that they wouldn't buy a piece of land and then rezone it. He said this disappeared in the latest group of rules and regulations on development. He said he wished that rule was still there, because all of the effort the planners put into building the zoning guides seemed to be a joke.

Mr. Wheeler expressed that he was upset and apologized for that, but said he was tired of coming to the meetings. He said he was in the Air Force's civil engineering and knew how difficult it is to make these plans, and that he was tired of seeing the planners' hard work being changed so that a developer can profit. He said he wanted to see the zoning guidelines being followed so that the community can be happy.

Mr. Zachary Barefoot said he was looking to rent in the area and that he began applying recently. He said the place he would be renting in the area would be a house above a garage and that 20 people were already looking for this same space, even though it had only been available for three days. He said there is definitely a need in the area for more housing, especially smaller houses. He said he also used to work for Habitat for Humanity for about one year in the Charlottesville area because he sees a need for more housing in the area.

Mr. Barefoot said that houses in the Charlottesville area are very expensive and that most people who he speaks to ask him how they can apply for Habitat because more than 30% of their income is going towards rent. He said because of the housing demand, he approved of the 999 Rio Road project.

Mr. Roy Stolzenburg, Charlottesville resident, said he had not planned to speak, and that if he had decided to, he would discuss the regional implications of the project and the 165 townhomes recently approved in Greene County with two parking spots each that will have commuters driving down Rio Road. He mentioned the 120 apartments that will be built after that, as well as the \$30 million or more in Virginia taxpayers funds that went to building a state of the art multimodal pathway so that people can get to a site such as the project without getting into their cars.

Mr. Stolzenburg said that instead of discussing these things, after listening to other speakers, he decided that he would speak because he was struck by the banality of most of the concerns he has heard. He said he heard about inconveniences, the time out of people's day that VDOT measures in seconds, scraps of greenspace, people being "zoned out" due to having to attend meetings, and that their neighborhoods would be lost forever.

Mr. Stolzenburg said that he thought everyone who spoke is well-meaning, but that they do not know what it's like to need a home, to rent, to go tour a place and then have a day to decide with three roommates whether or not you want to rent a place but then find out it has already been taken due to high demand. He said his situation also meant that his household, with three roommates, would be overly occupied and unsafe in the R-4 zoning code district that the project is currently in.

Mr. Stolzenburg observed that audience members opposing the project brought their children with them to the meeting, expressing that he hoped they see the implications of the policies they are choosing where their children, when they grow up, that will determine if they will have homes to live in. He said if they choose not to have the homes being considered now and over the coming years, he hoped that the parents with their children present realize the future ahead of them that they would be living alone in Albemarle with their kids living hundreds of miles away because they were priced out of the area.

Mr. Gallaway closed the Public Hearing and invited the applicant to come forward again.

Mr. Justin Shimp, engineer for the project, said he was involved in many of the projects in Greene County and other places and said that one of the things he likes about working in Albemarle County is that there is a progressive Comprehensive Plan that looks out for the community. He said this did not just include homeowners and that there were many people in the community that struggle to find places to rent. He said that if there was a sign outside that invited people to speak in favor of finding an apartment to rent in the area, the auditorium would be packed. He said those voices are not often heard but yet, the plan does address this issue and that its inclusion of high-density housing is with this use in mind.

Mr. Shimp said there was the principle of putting people close to where they work, noting that with some commercial space, either an accounting firm or small café, for instance, there will be people already traveling on the road who will stop at those locations. He said there were no destination-type uses going in the space because they had been proffered out.

Mr. Shimp pointed out that there will be growth in the area and that people who work for UVA and other places drive Rio Road to drive into Charlottesville. He said the question was how far they will be coming and how many intersections in Albemarle County they will be going through. He said this was why the Comprehensive Plan was written as such and why staff identified the project as appropriate for the location because, thinking in the longer term and with a broader perspective, there is a need for more projects like this one and fewer of the suburban properties in the core area.

Mr. Shimp said that suburban properties are taking up land and pushing the growth outside that contribute to traffic, climate change issues, and a host of other problems. He said people are spending an hour a day commuting when they could be with their families if they lived closer to their jobs. He said this is why the plans are written, and that he understood that people will be concerned. He said that thinking holistically, the project was a great one for the corner property and that it was much better to place people where there are opportunities for public transit and bike-ped access than to place seven 3,000-square-foot houses there and leave that luxury to those with the privilege to afford it, pushing out those who don't.

Mr. Shimp said he felt very good about the plan, noting that it addresses the requirements of the Comprehensive Plan and is a good thing for the community. He acknowledged that there were those in the audience who would disagree, but that they must consider that there are other people who want to be their neighbors and friends who need the proposed housing.

Ms. Palmer said she was confused by some of the points made by a few of the speakers. She asked what would be the by-right maximum units that could go into the current R-4 zoning.

Ms. Kanellopoulos replied it was seven, because it is 1.94 acres, but that they could go up to 11 units with the bonus factors, such as affordable housing.

Ms. Palmer asked why, in the staff report, it stated in the very beginning it says "by-right use: maximum of 46 dwelling units."

Ms. Kanellopoulos replied that this was for the by-right once it is rezoned.

Mr. Dill said the Board heard that evening, and through emails they have received, comments and questions about Ms. Scro being a member of the CAC. He said the County encourages developers, and especially those developing in the CAC areas, to be on the committees in order to hold discussions on the projects. He noted that for the 29 North CAC, the biggest developer in Albemarle County and whose family and lawyer come regularly to the CAC meetings is wanted there at the CAC meetings. He said there was absolutely no lack of integrity or transparency with this.

Ms. McKeel said that this was a good point, noting that her CAC for the Hydraulic area has two developers represented.

Ms. Palmer said that her CAC has two developers as well.

Ms. Mallek said she saw a drawing of two entrances on Belvedere Boulevard and that VDOT does not like to have two entrances close together. She asked if this had been certified to be acceptable as far as VDOT's design guidelines are concerned.

Mr. McDermott replied that VDOT has looked at this and that they did check the distances against their access management standards. He said they did not have a comment on the final configuration of the entrances.

Ms. McKeel said she wanted to make sure she understood the affordable housing piece, noting that it came about later.

Ms. Scro replied that it did come about later after Ms. Pethia provided the language that she wanted.

Ms. McKeel said she wanted to understand the affordable housing piece and if this could be reviewed, as well as the price of the units.

Ms. Scro replied that the housing policy that Ms. Pethia proposes is 15% of all units on projects to be affordable, which means that someone who is making 80% of the Area Median Income can afford that unit. She said being able to afford a unit means that they are contributing less than 30% of their income to housing costs. She said for the small homes, the TJPDC released a housing assessment and not only are units needed at the far end of low income, but for workforce housing as well. She said there is a need for 80%-120% of AMI as well, and that the project will be able to meet the 100-130% AMI, meaning that this would be a house costing \$280,000-380,000.

Mr. Gallaway asked about the apartments' rent and how many bedrooms they would have.

Ms. Scro replied that the new study released by TJPDC means that a one-bedroom unit is affordable, and that someone making 80% of the AMI is \$1,300.

Mr. Gallaway clarified that he was asking what the rent would be of the project's apartments.

Ms. Scro replied that they can rent them for \$1,300.

Mr. Gallaway said that the study concluded that to satisfy an apartment of three, the rent would have to be around \$920-930. He said he is seeing in other proposals where 1-bedroom apartments are about \$1,000-1,050 and that this did not jibe with what he understands an affordable unit to be, apartment-wise. He asked if the proposed apartments would be able to accommodate three people and be less than \$1,000 in the area.

Ms. Scro replied that this could be conceivable but that she did not have a specific number of what the rent would be. She said that 15% of the units are required, by law, to be affordable, but that she did not know exactly what the rents would be. She said she knew that for an affordable unit, an efficiency would be about \$900 and a 1-bedroom at 80% AMI is \$1,300 currently, according to the new study. She said according to this figure, the project would be able to easily meet it. She said she would like to push for lower than this and that it seems so high because only people who live in town have a very high income, so it is skewed because it doesn't consider the larger region.

Mr. Gallaway said that an apartment for \$1,300 is not what the Board is aiming for in terms of affordability.

Ms. Scro agreed and that the applicant would aim for lower, but she was simply stating that this is what the assessment has deemed as affordable for someone making 80% of the AMI.

Mr. Dill said the Riverside Apartments are supposed to be affordable, but that they are \$1,800.

Ms. Mallek asked if this was for 1-bedroom units, or 3.

Mr. Dill replied that they were likely 2-bedroom units.

Ms. McKeel said that the figure was lower than what is frequently heard.

Ms. Palmer said she was troubled by the proposal. She said she liked the fact that it was next to town and the Meadowcreek Parkway and that people can ride into town on their bicycles and walk. She said she liked the small house concept and that she completely understood why they would want to buffer the highway with some commercial space.

Ms. Palmer said she appreciated all the work that the developer put into the application, and that it was a lot to do on a 2-acre property. She said this aside, she loved the location as far as walkability. She said what she was very troubled with, which would also come up with the next large development in the area, was the fact that the intersection is a poor one. She said she drives through it all the time and that it was confusing. She said it pained her that it was not done as a roundabout when it was put in and that it will take another 7 years, at the earliest, to see any improvements there.

Ms. Palmer said she has gone back and forth about her thoughts on the application, noting she discussed it with the Planning Commission and read Mr. Gallaway's note to the Commission, expressing that it was informative and influential. She said she was waiting for the Rio district's supervisor to hear their experience with the project and situation, as she has many things, she likes about the project but that she did not favor that it was on Rio Road. She also acknowledged that it was a smaller project and that it begs the question as to what the County will do when larger projects come in, noting that she did not know what the timing for it was or what the by-right development will be.

Mr. Gallaway said he could weigh in but that he typically allows the other Supervisors to go first.

Ms. Palmer said she was particularly interested in his opinion.

Ms. McKeel said she was intrigued with Dr. Hullfish's compromise recommendation. She said perhaps the Board should look at how this would work because she was concerned with the commercial aspect of the project. She said she assumed that the applicant was making the project work by placing so much density on a small plot, but that she would like to have more conversation about the compromise that could be possible.

Mr. Gallaway said it begs the question if this was even viable for the applicant.

Ms. McKeel said she would like to know the answer to this.

Mr. Randolph asked if this would mean eliminating the commercial aspect.

Mr. Dill said it was reasonable to say they may not have an answer.

Ms. McKeel said she didn't want to be unfair with her question.

Mr. Shimp replied that it was a fair question. He said he supposed a project could be developed

there without commercial space. He said standing on the corner of Rio and Belvedere, it has a commercial feel to it because it is surrounded by churches, CATEC, and gas stations. He said it was a strange spot for a single-family house. He said an apartment building could be put there but that, in the developer's perspective of the surroundings, combining Shepherd's Ridge with the proposed project would be similar to what was done with Riverside Village.

Mr. Shimp said it would not be seen as too much commercial on one spot because the acreage would only increase so much. He said the applicant only had the opportunity to have 2 acres. He said it may seem like a lot, but that it is only 5,000-10,000 square feet. He said the applicant would be more amenable to losing some square footage of the commercial, but keeping enough to have some kind of commercial tenant on the front piece of the property. He said the applicant liked the idea of having some kind of neighborhood service there where people who like to walk in Belvedere could go to.

Mr. Shimp said that part of encouraging ultimate transit is to have a way to stop along the way. He said from the standpoint of having a mixed-use component, the applicant would like to have a commercial space and that it doesn't necessarily have to be 5,000-10,000 square feet. He said the idea of changing the small house plan there was a difficult concept. He said this idea would be that the front of the site would be a greenspace and natural play space for kids, but that he didn't think this was appropriate for Rio Road.

Ms. Palmer said the idea of shielding the road was reasonable and that she wouldn't want to live there if it was a single-family house.

Mr. Shimp added that even having an apartment on the first floor of Rio Road would be tough.

Ms. McKeel agreed.

Ms. Mallek said the very next property to the east, however, was single-family houses right up on the road, all the way up to Pen Park Lane. She said they are very well-accepted houses that people are living in and that she couldn't wrap her head around what was just said and what is already there.

Ms. Mallek said she had a real problem with the concept that the Comprehensive Plan says the project is fine, because the Comprehensive Plan is also concerned about quality of life in the growth area. She said the growth areas will fail completely if the County makes them so densely populated that no one wants to live there. She said there are many people who have already made investments based upon a more open feel that is the character of their neighborhood. She said that not paying attention to this was a real difficulty to her.

Ms. Mallek recalled a similar type of project with very small acreage that wanted to have 93 units on 250 West. She said the community was very concerned that it was at the upper end of the range when it should have been more compatible at the lower end of the range. She said that this developer is now building in the lower end of the range and that she suspects it will be acceptable. She said having many fewer cars entering the road in a situation where there is already very tricky traffic is important.

Ms. Mallek said there were also some dichotomies that she could not deal with. She disagreed with the idea that, because it is a high-traffic road, it was okay to put more traffic on it. She said this was not accurate to say. She added that the County needs to look at the housing demand regionally, but that they were not allowed to look at the transportation demand regionally, noting that these two ideas were incompatible.

Ms. Mallek acknowledged she was trying to make a linear connection, but that this is the way the ordinances were written. She said the Supervisors need to be able to have criteria that they take seriously and live by the commitments their predecessors have made to the residents. She said she personally thought it was too much on a very small lot that is not, by its size, be able to serve as a bonafide mixed-use development. She said she was not in favor of the project.

Ms. Palmer added that, with respect to the development on 250, she voted against it because of traffic. She said the difference was that one had to drive there. She said the point of the proposal was that people can use the adjacent multi-use path and the idea was that perhaps people won't all drive.

Ms. McKeel agreed that it was a very different situation.

Ms. Palmer acknowledged that she was troubled by the project, and that there were many aspects she was troubled by. She said she only wanted to point out that she looks at the two projects differently.

Ms. Mallek said the other project had a commercial strip with far more development in it, right down the road, just like the proposal did and yet, the Board decided not to support it.

Ms. McKeel said she believed she had supported the 250 project.

Ms. Mallek said it was a 3-3 "no" vote. She noted there was a Harris Teeter and many other commercial spaces 150 yards from it.

Ms. McKeel said it had also included affordable housing.

Mr. Randolph said he was intrigued that both the dean of the Planning Commission and a leading surgeon concluded that they favored the developer filing a different application for strictly residential development, stating that he agreed with them. He expressed his belief that the project was an infill development with too much going on.

Mr. Randolph said the commercial office is the wrong location because it is not a neighborhood service center location. He said there was one nearby, but not there, and that 2 acres was far too small for the intended uses. He said a single-family residential is very appropriate based on the neighborhood it is going into. He said 999 Rio Road should be Urban Density Residential because it transitions from single-family density in Dunlora.

Mr. Randolph said that the intersection is dangerous now and will only become more dangerous. He expressed appreciation for Ms. Mathis bringing up her chart but pointed out that she left out one important component, which was The Center. He said he did not see it on the chart, but that adding The Center, the expected number of vehicles coming to the service center (not including Sentara) was overwhelming. He said when putting this all together, they are nearing 1,000 additional cars in the area with those projects alone. He said there is a problem with the way transportation is being measured.

Mr. Randolph expressed that in this locality, one of the things that causes him to think more broadly is the need to address what he calls the "infill challenge." He said repeatedly, the County is struggling with infill in development locations where there will be a clear traffic component.

Mr. Randolph said the availability of larger tracts (2 acres and above) of development area land suitable for a more intensive residential development in the County continues to shrink to almost non-existent, the Planning Commission and Board will continue to review applications for increased intensity of residential development in locations ill-suited for higher level development because of the resulting and intended impacts and externalities, such as traffic, the character of the surrounding community, and schools.

Mr. Randolph said that rather than feeling obligated to shoehorn in ever more development into these physically tight locations, the Planning Commission and Board may benefit from developing an infill development approach and guidelines for the parcels so that developers can recognize what the County believes to be the best rules of the road, going forward.

Mr. Randolph said he hated to imperil any developer in coming forth but would raise Ms. Scro's arguments for why she believed the project should be approved. He echoed Ms. Palmer's statements that he loved many aspects of the project, specifically the multimodal connectivity. He pointed out, however, that not everyone is going to ride a bike or walk and that most people will still be moving around in vehicles. He said that while he loved some aspects of the projects, he was skeptical of the location, expressing that it was the wrong one.

Mr. Randolph said the developer indicated that the proposal is consistent with the Comprehensive Plan in the proposed location. He said this was true and reasonable, but pointed out that the Comprehensive Plan is silent about transit and traffic impacts. He said the assumption had been that that artery of Rio Road would be able to accommodate growth in perpetuity but that this window closed rather rapidly and dramatically, as seen from the numbers that will only continue to go up.

Mr. Randolph continued that the argument was that the project was compatible with its surroundings. He said he did not consider churches to be commercial enterprises. He said where he grew up in the city (Philadelphia), neighborhoods had churches on the corner and they were not commercial enterprises, but a part of the community. He said he did not see a church as a commercial enterprise, unless it is operated by a sect that seeks to grow itself, but that he did not think they would be seeing a mega-church there.

Mr. Randolph said he did not see townhouses immediately in the locality and that the area was not commercial. He said four stories is not compatible with the location and that it is too tall. He said the key question was to the intent of the commercial aspect versus the reality. He addressed Ms. Scro, stating that she may want to say that there could be a bank or medical office there. He said there also could be a Starbucks or Chick-Fil-A there and, in that case, the numbers could increase even more dramatically on the site.

Mr. Randolph said another argument for the project was that it satisfies a commercial need. He said he was not sure there was a need in that location and questioned if this was the best location for commercial if there was a need.

Mr. Randolph said there was a mention of Conover Commons in Redmond, Washington. He said the average house in Conover Commons goes for almost seven figures. He said this is not infill development on a busy street, but is in a pristine environment with mountains around it. He said this is a very different community than what is being proposed in a very much urban-centric community. He said it was too much and too ambitious in too small a space and therefore, he would oppose the application.

Ms. McKeel noted there were infill projects happening on Barracks Road, with homes selling for \$800,000 to \$1 million. She acknowledged it was a different development.

Mr. Dill said that years ago, when he was delivering antiques to the old Dunlora mansion long before it was a housing development, the owner was crying because she was going to lose her house to

the housing development. He said at that time, she had asked what Charlottesville was coming to, noting that Dunlora was in the country back then without traffic issues. He said his connection with Dunlora was that it has changed multiple times and that where there are now houses very close to each other, it used to be a meadow.

Mr. Dill said in terms of the practical aspects of the project, he saw that there was an issue in the contradiction with the infrastructure not being adequate for the traffic, or not what was preferred. He reiterated that many years ago, traffic was not an issue, and that it has gradually changed. He said the area is not in the country anymore.

Mr. Dill said he represented Pantops and that the most dangerous intersection is 250 and Stony Point, with people taking U-turns, trucks that are supposed to stay in the middle lane, and cars turning right from Stony Point to go into town. He said this intersection has already been approved to be improved, with a timeline of 4 years to complete. He said they would get the diverging diamond at the top of Pantops, which people were fearful of.

Mr. Dill said that traffic is inherent in an urbanizing area. He noted there are hotels going in at Pantops but that the traffic is heavy there, as they get 50,000 cars a day (second to Route 29). He said one hotel, where there are a few dozen people coming in at night and leaving again in the morning, has absolutely no effect on the traffic.

Mr. Dill said one would not see any impact to the traffic by having more houses on the road because, as mentioned, people are coming in from Greene. He said he spoke with the Economic Development Director a few months prior, and that they are intentionally encouraging developers on the border of Greene and Albemarle to build 5-6 story apartment houses there to serve people who work at NGIC and people coming to Charlottesville. He said these were the people coming through the neighborhood and that it would not matter if there is one more small development.

Mr. Dill said he understood that the project was, to some extent, a substitute for the Wetzel property, which would inevitably come before the Board, unless the County buys it. He expressed difficulty with the decision, noting that he thought it was a viable retail location but that his number one issue against it was that it was dangerous. He said he had a recent near-miss there with slamming on his brakes at the intersection near the parkway. He said it was chaos there and that he chooses a longer route to go home.

Mr. Dill said he understood the issue. He said at the same time, the next generation is going to see that Dunlora will be full of young couples and people riding their bikes to their jobs in Downtown Charlottesville and UVA. He said it would change from people living in single-family houses and driving everywhere but would be a community that is more like Amsterdam.

Mr. Dill said he was torn. He said he understood the traffic issues and that they should be addressed. He said this would make a much more positive impact than leaving the corner property empty.

Ms. Palmer said this was difficult because it was 46 units next to a large urban area, which is different than some of the other projects on 250 the Board has reviewed.

Ms. McKeel said that above all, she was looking at affordable housing because there is a lack in the area. She said she hears from her constituents in the urban ring who have children or are elderly and desperate. She said she lost a vote a few years before because she supported a project on 250 that had affordable housing. She said she did not know what would happen with this project, but that she agreed with staff that the Board should approve projects with affordable housing.

Ms. McKeel said she would like to see a smaller commercial space.

Mr. Dill agreed.

Ms. McKeel said she would like to see that addressed somehow. She said she knew she was outnumbered, but at the same time, the County needs to start looking out for the people who need housing and cannot afford what is currently on the market.

Mr. Gallaway said that in the Comprehensive Plan, the first line under Growth Management – Goals is, “Albemarle County’s development areas will be attractive, vibrant areas for areas and businesses, supported by services, facilities, and infrastructure.” He said that when he recently looks at small projects that do not consider the infrastructure in the same way, when considered as its own entity, he becomes concerned of how many projects in the particular area have happened that have been 50 or less units and what these have added up to.

Mr. Gallaway said the residential developments (not considering The Center or the SOCA fields) have created a situation, and that planning is incredibly important. He said that while the County has a Comprehensive Plan, he was not sure if it is comprehensively planning things based upon its goals.

Mr. Gallaway said with this being said, staff’s job is to come to a recommendation with the information they have. He said that no applicant would want to come before the Board without staff’s recommendation for approval, and so they work through all the factors to arrive to a recommendation. He said he wanted the public to hear that this was staff’s job because sometimes people believe that there is a foregone conclusion that staff is trying to decide to find some way to support the project. He clarified

that it is staff's job to get to an application to a place to where they can make a recommendation and that it was ultimately up to the Board to say yes or no.

Mr. Gallaway said that in the Neighborhood Model Principle, it says, "high-quality urban places," and so this was the design and nature of the project. He said he had to wonder if it was a high-quality urban place, or if it was a one-off. He said a couple years of planning have been put into the Small Area Plan in which the County is aiming for a high-quality urban place that is supposed to have buildings fronting the road. He said the County wants the kind of design they are seeing on this corner property in the Small Area Plan.

Mr. Gallaway said that while Mr. Randolph expressed his thoughts about location, one could also say that timing could work in addition to location, because if the infrastructure is not there, and the County has a place where they want this kind of development, there is the question of why they are not aiming for that spot. He said that perhaps down the road, the timing would be better for a project such as this.

Mr. Gallaway said he was intrigued by the small housing concept. He said he didn't know if it gets at what the County is aiming for regarding affordable housing.

Mr. Gallaway said he also wanted to note that just because the Comprehensive Plan says something, it doesn't mean that it is a rubber stamp for approval. He said this is why projects come before the Board for them to decide. He said there are phrases in the Comprehensive Plan such as "recommended goals and strategies" – not must-dos or must-haves. He said the plan states phrases such as "continues to encourage types of development" – not "must" or "will do."

Mr. Gallaway said that regarding the residential units, some of the Board members had numbers that were off. He said he wanted to be clear that Dunlora has about 380 or more homes now, with a few more units being built. He said that since 2009, eight by-rights have occurred with 325 by-right units that will be there that will not come before the Board. He said with the two rezonings that have already been approved and are in motion, Belvedere has already built 531, with 309 remaining, totaling 840. He said when combining the by-rights with the rezonings, this totals 1,165 units.

Mr. Gallaway pointed out that if the County wants to conduct a Traffic Impact Analysis, there needs to be 1,000 units and that several things have happened on their own, by-right, that never come before the Board that have now gone past 1,000. He asked where the TIA is to conduct on all those units together. He said this was not comprehensive planning, in his opinion, and that he also raised the same point with the Pantops project a few weeks before.

Mr. Gallaway said continuing down Rio Road, looking at the numbers for Lochlyn Hill, the chart that was provided only shows 50 units in the County. He said that development has one access point to Rio Road, and that he hoped that most people know that there are 150 units in it that are on the city side of the boundary. He said that in the County's counts, they must consider the 150 Lochlyn Hill units, because their traffic will empty out onto Rio Road. He said by adding the 150 to the 1,165, they then arrive to 1,315 units that are in motion and will happen.

Mr. Gallaway said he has heard talks about NIMBY, noting that for the people of Dunlora, all of their backyards have already been developed and every aspect and surrounding part has had a by-right unit. He said someone mentioned a rezoning and that those two in the front of the development were by-right. He said all of those areas are there, and it would be easy for him to say that he doesn't support the project that the people are voting for him are sitting in the audience. He said that he wanted people to understand, from a planning perspective, how he considers projects.

Mr. Gallaway continued that he was open-minded to rezonings, noting that he approved the Eco Village, which is further down on Rio Road, and is on the record as to why he supported it. He said when and where the Board approves the projects, when they have a 5% limited growth area, they must be very careful and selective about how they use the growth area because it is limited in space. He said if they allow projects to simply go up because they say it allows it in the Comprehensive Plan, the County will have a growth area that doesn't work very well. He said as that happens, there will not be a fix.

Mr. Gallaway referred back to the 1,315 residential units that were underway. He said there are 477 proposed, with 999 Rio Road adding 46. He said those increments add up. He said there were 1,690 units if the two proposals (999 Rio Road and the Wetzel property) were approved. He said the 1,690 units that add to the traffic problems that already exist at a near-failing "D" intersection, noting that the intersection will fail on its own before they approve any more projects and that there was no plan on fixing this through the corridor.

Mr. Gallaway said that SOCA, in the 2007 analysis, suggested there would be 130 weekday trips and 204 on the weekend, and that it would likely be higher today. He noted that this was just for the indoor facility. He said the outdoor facility was estimated at 190 each day and 660 on the weekend, which is almost 1,000 trips they are accounting for. He said the church traffic that would pull out of there was included with the SOCA traffic.

Mr. Gallaway said The Center, with its current location on Hillsdale Drive, was estimated at about 300 daily trips, six days a week. He said the capacity of the new center is doubling, which results in 600 trips per day, which is 100-300 over the weekend for special events. He said all of this does not account for Greenberry's and the Sentara Medical Center.

Mr. Gallaway said that at some point, when citizens ask the Board what it is doing about transportation issues, the Board typically gives the answer that they do not have the funding, but it is on the priority list. He said the other thing that the Board has at its disposal that helps with transportation is to plan properly to at least control some of what is happening until further infrastructure is put in place to mitigate the growing density in the growth area.

Mr. Gallaway said that with the one building on the corner, he appreciated the concept of thinking of the character of it by going down Belvedere Boulevard. He said part of the reason why The Center was acceptable, as well as the apartment buildings and houses there, was because they cannot be seen from Rio Road.

Mr. Gallaway said because of the work of Commissioner Dotson, they extended the Entrance Corridor designation past the railroad tracks. He said the railroad tracks and the character of the community is a boundary line, with some gas stations coming down the road, but the rest of it is residential and everyone can see that when they pass over the tracks, they are in a different area. He said there used to be farmland where the Wetzel property is, and Dunlora Forest was all wooded.

Mr. Gallaway said he just approved a building in the Small Area Plan where there was a building on the front of the road, where it should be. He said the Board acknowledged that it looked strange and that it would look out of place for a while, but that eventually, other things would build up around it and meet the design. He said nothing would be built up around the proposed property and that the churches are set back, with one set down below the road. He said that because of the curve of the road, CATEC is also set down.

Mr. Gallaway said he wished he could have had a say in the Ryan Homes by-right development because the way those homes fit and the way the backs of the houses face out is nothing what the County would like it to look like. He said if the Board had a say, this would look differently.

Mr. Gallaway said in terms of the Rio29 Small Area Plan concept and what Commissioner Bivins was suggesting, the proposal was too far away from the Small Area Plan where he would think of it as any sort of corridor leading into it. He said the character on Rio there continues up with residential, then starts to show churches before finally arriving at the Small Area Plan. He said he could not see elements of the Small Area Plan being that far down on Rio Road.

Mr. Gallaway said he was a proponent of affordable housing, serving on the Executive Committee of the Regional Housing Partnership. He said he wanted to be very careful about where the County places affordable housing. He asked why they should put someone in an affordable housing location and then give them traffic issues and quality of life issues. He said he knows transit is a major component of affordable housing, but that the transit route along Rio Road does not function. He said one can see that there are usually only 1-2 people there waiting for a bus that is not anywhere in sight, which needs to be fixed.

Mr. Gallaway said he didn't know if the proposed units satisfy the affordable nature in terms of the dollar amounts he was hearing, especially in terms of what someone can get for a 1-bedroom or efficiency apartment. He said this was not what the County was aiming for in the most aggressive elements of what it wants for affordable housing. He reiterated that the Small Area Plan is where the County wants the density to go because the infrastructure and transit is there now. He said this is where affordable housing can be addressed.

Mr. Gallaway said someone had mentioned why they wouldn't do the improvements first. He said he understood it takes a long time to put improvements in place and that the County cannot put all development on hold until the improvements go. He said that considering the increasing density and increasing units that have already come online, there does have to hit a saturation point or density point where the Board decides to stop and put in the infrastructure.

Mr. Gallaway said he wanted to speak on behalf of his Planning Commissioner and that it was a note he would appreciate the County Executive making. He said they have Planning Commissioners who are volunteers that serve. He said Mr. Dotson gave much forewarning to being out of town when the project was placed on the agenda on the date when he was not going to be there. He said he did not know what drove this decision and that he heard it potentially happened in another district in the same type of situation. He said Mr. Dotson received some flack for not being there that night.

Mr. Gallaway said he would appreciate that, when there is enough advance notice given on a conflict of time, the home district Planning Commissioner would be there, and it can be accommodated to allow them to attend. He said it was somewhat unfair that this application, since Mr. Dotson gave such forewarning, fell on a date where he could not be there. He said he appreciated the fact that Mr. Dotson sent the Board a letter to let them know how he stood on that. He said Mr. Dotson does an excellent job on the Planning Commission and that he was disappointed to see some of the grief he caught when he wasn't there that night but wanted to be.

Mr. Gallaway said he would be voting against the application.

Ms. Palmer asked if it would make a difference to anyone on the Board if the commercial was a commercial space that didn't have people coming in and out all the time.

Ms. McKeel said this was her question as well.

Mr. Gallaway said he did not support the building, and that what was in it was immaterial for him at that point. He said he was not in support of having a building of that size and dimension on that corner of Rio Road.

Ms. Mallek said she appreciated what Mr. Gallaway said about transportation. She said that in every district, there are people who have heard the same story and studied the Master Plans for their district and the Comprehensive Plan. She said that for everywhere, for the past 20 years, the County has been saying "concurrent infrastructure." She said previous Boards have already sent the people to all the places, due to the prosperous county and the great interest in people to live there. She said this was an argument they would be hearing a lot of, and that Mr. Gallaway laid it out eloquently.

Ms. Mallek said there was mention that this proposal could come back one day as residential only. She said it was single-family houses on one side, and the transition for her would be neighborhood density first, with 3-6 units, rather than jumping straight from a single-family unit to urban, which is 36 units per acre. She said the County needs to be thinking of those types of transitions as much as possible.

Ms. Palmer said in her six years on the Board, "death by a thousand cuts" on traffic has been a constant conversation. She said that VDOT doesn't want to put the changes in until there is a serious problem present and that the County is supposed to look at each development by itself. She said the Board is obviously able to vote on the rezoning, and staff must look at each project by itself while the Board gets to take the whole picture into consideration. She asked what the mechanism is to address the traffic problem of "death by a thousand cuts" that the Board continues to deal with when they only have so much control over what they can do with the properties.

Mr. Benish replied it would be the ability to conduct more frequent corridor analysis than the five-year update of the County's Master Plan. He said with by-right development, the County doesn't have any control over requiring those studies, and the only way to deal with the problem is with continuous, more frequent assessments of corridors.

Mr. Benish clarified that when rezonings take place in a general area, staff does look at all the approvals that take place within the area, with a scoping that is done. He said anything that has been previously approved, VDOT and county transportation planners will look at the area and take into consideration the growth, based on prior approvals, but that the opportunity to do this only occurs when there is a rezoning.

Ms. Palmer said the Board always hears from staff that one development doesn't add much to the traffic, noting that she understood where staff was coming from and that they were doing their job.

Mr. McDermott said Mr. Benish was correct in saying that if they could do corridor studies, they can look for particular improvements and that, through the Master Plan process, they consider how the small projects combine and the results of that. He said this is how they formulate the recommendations in the Comprehensive Plan. He said the Master Plan is 10 years old now and that staff has gotten much better with this. He said with the Crozet Master Plan, they would be doing a much more in-depth transportation analysis, and that this was done with the Small Area Plan as well. He said it wasn't quite done this way and that there was much more guesswork done 10 years before.

Mr. McDermott said the Comprehensive Plan, Small Area Plans, and Long-Range Transportation Plan (done with the MPO) identify how much growth staff believes the areas can handle. He said the idea was that they need to be able to put the money towards the projects, once identified. He said the projects are on the priority list and it takes 6 years to complete them. He said the only way to reduce the time to get the high-priority projects is to put additional funds into those programs to get them approved, fully funded, and constructed faster. He said the Comprehensive Plan process is the best source for this.

Ms. Palmer asked that if staff had a better transportation analysis of the Rio corridor, if they would come up with different recommendations.

Mr. McDermott replied that if they were doing a Comprehensive Plan Amendment, this would change what they would consider for a future rezoning.

Ms. McKeel added that when the Board looks to prioritizing where they put the \$25 million (which would hopefully be \$50 million), it should look very carefully at the projects it wants to put extra money toward. She said these would be the projects in the urban areas that need these types of improvements because of the growth and development area.

Mr. McDermott replied that the more money that is put into those projects by the County, the more scrutiny would be expected from the Board, as the Board will want to make sure the money is spent properly.

Mr. Shimp asked if the Board would consider a deferral so that the applicant could at least consider an all-residential option. He said he couldn't say for sure that they could come up with a solution that works, but that they would welcome the opportunity to at least try.

Ms. Mallek asked the County Attorney if this would be a question of refiling, because it is so different from what was presented.

Mr. Herrick replied that the Board can make a motion, or to consider a motion, to defer for up to 12 months from when the application was deemed complete. He said if the Board wishes to consider a motion to defer, it can do so.

Ms. Mallek asked if there was any threshold about similarity to the current plan that is allowed to come back.

Mr. Herrick replied that if the application were to be denied that evening, the applicant would be precluded from filing a similar application within a year. He said in terms a deferral that evening, this is within the realm of what the Board could consider doing.

Ms. Mallek asked if that means the application could come back exactly the same later and be reconsidered, noting that she was very concerned about this.

Ms. Palmer said that the applicant said it would be residential.

Ms. Mallek said they didn't say anything directly and that what Mr. Dotson had suggested was a refiling. She said this would be more appropriate for the Board to consider. She said the Board needs to deal with what is in front of them and what the public has had a chance to study, rather than having the application evolve elsewhere.

Ms. McKeel said they have supported deferrals before and that she would support a deferral, as long as the applicant was coming back with a different option.

Mr. Dill noted that it would still be another public hearing.

Ms. McKeel replied yes.

Ms. Mallek replied not necessarily.

Mr. Herrick replied that there would need to be a public hearing in order for a rezoning to take place.

Ms. Mallek asked if a new public hearing would have to happen if the applicant were to come back at all.

Mr. Herrick replied yes.

Ms. McKeel said she would support a deferral to see what the applicant could do with the concerns they have heard.

Ms. Mallek asked if the applicant would then provide funds for the new advertisement.

Mr. Herrick replied yes.

Mr. Randolph asked Mr. Herrick that if the applicant were to submit a new application, would it go to the Planning Commission or if it would go directly to the Board.

Mr. Herrick replied that the Board could choose to refer it to the Planning Commission for a recommendation. He clarified that it would not be a new application, but rather an amended one after it has been deferred, if the Board chooses to defer.

Ms. Palmer said she would have it go to the Planning Commission and that she would support a deferral that works as such.

Ms. McKeel agreed, noting that this would be a great idea, since the Rio District Planning Commissioner did not get a chance to vote on it the first time.

Mr. Randolph agreed.

Ms. Mallek asked if there was support on the Board to have a directive that, if it was to be deferred, it comes back without the commercial aspect. She said she wanted to understand what the Supervisors were thinking in order to provide direction to whatever the process would be.

Ms. McKeel said she would like the applicant to have the opportunity to address the concerns the Board had about the commercial building and that she would not try to limit them.

Ms. Palmer agreed with Ms. McKeel, expressing that there was not a reason to limit the applicant, but that it was very clear to the applicant that the Board is concerned about the commercial piece and that the Planning Commission would also be concerned about it. She said the Rio District Planning Commissioner would be concerned about the commercial aspect as well. She said she didn't think it would happen and that she didn't see a way to limit it, in case there is some way that the applicant could make it more viable. She said at the same time, it was very clear that the Board was after residential there.

Mr. Randolph asked if a motion needed to be made.

Mr. Herrick replied that if the Board was to consider a deferral, there would need to be a motion to defer.

Mr. Gallaway said he was hearing that the commercial aspect was a concern and that he didn't mind deferring to allow the project to go back through the process. He noted that many of his concerns go beyond the commercial aspect of the building.

Mr. Randolph agreed.

Ms. Mallek said she agreed as far as the fact that the transportation solutions would not be taking place within the next 12 months and that the same situation would exist.

Ms. Palmer asked if they could get something better than by-right.

Ms. McKeel said she would want affordable housing there as well.

Ms. McKeel **moved** that the Board defer ZMA201900001 999 Rio Road and that it be referred back to the Planning Commission before coming back to the Board of Supervisors. The motion was **seconded** by Mr. Randolph and passed unanimously (6-0).

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, and Ms. McKeel.

NAYS: None.

Agenda Item No. 18. **Public Hearing. The Regents School - Reservoir Road.** (*Advertised in the Daily Progress on September 2 and September 9, 2019*)

PROJECT: SP201800011 The Regents School – Reservoir Road

MAGISTERIAL DISTRICT: Samuel Miller

TAX MAP/PARCEL(S): 07500000006600 and 07600000001700

LOCATION: Reservoir Road, approximately 900 feet west of the intersection with Fontaine Ave. Ext. and across the street from Foxhaven Farm Road

PROPOSAL: Special use permit application to construct and operate a private school for an initial maximum student enrollment of 280 students, and for a potential future maximum student enrollment of 468 students. The proposed campus would include multiple academic buildings, gymnasium, theater, administrative office building, and outdoor athletic field. Proposal includes two Special Exception requests related to proposed outdoor athletic lighting. No residential units proposed.

PETITION: Section 13.2.2(5) Private School

ZONING: R1 Residential (1 unit/acre) with private schools allowed by special use permit

OVERLAY DISTRICT(S): Managed Steep Slopes; Preserved Steep Slopes; Airport Impact Overlay; Entrance Corridor

COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as places of worship, schools, public and institutional uses and small-scale neighborhood serving retail and commercial; in Neighborhood 6 / Western Urban Neighborhood.

The Executive Summary forwarded to the Board states that, at its meeting on September 3, 2019 the Planning Commission (PC) conducted a public hearing and voted for the applications noted above as follows:

- Recommend approval, by a vote of 7:0, of Special use permit SP201800011 with the conditions outlined in the staff report update (Att. D); and
- Recommend approval, by a vote of 7:0, of the Special Exception request to increase the maximum height of poles supporting outdoor athletic lighting with the conditions outlined in the staff report update (Att. D).

Attachments A, B, and C are the original staff report, draft action memo, and minutes from the September 3 PC meeting.

Special use permit Application:

- A revised concept plan (Att. E) dated August 23, 2019 was submitted by the applicants prior to the September 3 PC meeting that incorporates all of the recommended technical revisions that were previously identified by staff in Attachment A9.
- During the PC public hearing, the Commission and the applicants discussed the importance of making minor technical revisions and clarifications to the recommended Special use permit condition of approval #2 that was contained in the staff report update (Att. D). Those minor technical revisions and clarifications have been made by County staff, and are incorporated into the conditions of approval that are contained within the Resolution to approve SP201800011 (Att. G).

Special Exception Request:

- The applicants' request for a Special Exception to waive the requirement to use full cutoff luminaires has been withdrawn by the applicants. The withdrawal letter, provided via email, is provided as Attachment F.
- The applicants have also requested a Special Exception to allow the maximum height of light poles supporting proposed outdoor athletic lighting to be increased from 35 feet to 70 feet. As noted above, the PC voted 7:0 to recommend approval of this Special Exception request with the conditions recommended by staff.

The PC and staff recommend that the Board adopt: 1) the attached Resolution (Att. G) to approve Special use permit SP201800011 with conditions; and 2) the attached Resolution (Att. H) to approve the Special Exception request with conditions.

Mr. Gallaway asked that because there were young children in the crowd and it was late in the evening, the public hearing portion be first even before the staff presentation, to accommodate the audience. He asked Mr. Herrick if they needed to vote on the agenda change.

Mr. Herrick said that the rules and procedure allow the Board to deviate from their standard rules and procedure, which do have the prescribed order. He said, however, that the Board has the liberty of departing from the rules, but that it requires the majority of the Supervisors to do so.

Mr. Randolph **moved** that the Board approve the agenda change to move the public hearing portion to occur before the staff report. The motion was **seconded** by Ms. McKeel.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, and Ms. McKeel.
NAYS: None

Mr. Gallaway opened the public hearing.

Mr. Joshua Morales, a seventh grader at The Regents School, said that when he first heard the idea of attending Regents, he was skeptical but as soon as he visited the school, he felt an overwhelming feeling of peace and wisdom. He said when he started sixth grade, he felt scared and somewhat doubtful as to how he would keep up to the standards. He said that as soon as he started, however, he realized that the teachers love the students and care about them doing well. He said he learned how to write essays and write in cursive and that, more importantly, he learned how to be helpful, respectful, and build healthy relationships.

Mr. Morales said Regents has helped him learn and has also helped him as a person. He thanked Regents, as well as all his teachers, as it continues to do well with all its students in Albemarle County.

Mr. Jacks Mason Morgan said when he first went to Regents, he was scared. He said he was less scared, and then not at all, as he continued to make new friends there. He said the Bible is very important and that it is God's word. He expressed his love for God.

Mr. Freitas Wallace said that the first time he went to Regents, he was somewhat afraid but that he loves kindergarten, as it was about making new friends and learning about the Bible.

Mr. Micah Fields said he just started at Regents three weeks before, and that he had been homeschooled before that. He said though the school was new to him, he has made many friends, and that all the teachers he has met so far have been great and nice to him. He said it has been a little tough, but that he loves Regents and hoped that the new school would be built.

Ms. Eden Hayes said she has been at Regents for 4.5 years. She said she came in at the middle of the year and was nervous, thinking that everyone would be very strict. She said that everyone she met was actually kind and caring. She said she was grateful for the loving teachers at Regents and that the school has grown since she started there. She said they needed a bigger place to learn, play sports, and perform theatre.

Ms. Kayleen Hallow said she moved schools in the middle of the school year, and when she moved, she was scared about a new school. She said that after a couple days, she wasn't scared any longer because everyone at Regents was nice. She said if the school is allowed to be built, they would be great neighbors. She said she was grateful to attend Regents because they are welcoming to everyone, with kind and understanding teachers. She said the people at the school also love God. She said she was grateful for her school and hoped that the Board would support it.

Ms. Suzanne Morales, a fifth grader at Regents, said she loved the teachers there. She said they

are kind and caring, and it is obvious that they care about their students and want them to succeed. She said there was one problem – they need more space. She said because of the growing reputation and size, more students from around Albemarle are compelled to attend the school, and therefore, more space is necessary so that more kids can learn the classical education that she was learning.

William, a sixth grader at Regents, said it was his fourth year at the school. He said attending Regents has been a great experience for him because everyone is nice, generous, and loves God. He said he would love it if they could finally expand and reach more students.

Ms. Kelsey Atwell, a fourth grader at Regents, said she loves her school because of her classmates and teachers. She said she loves her teachers because they want to know and have a special relationship with her. She said she thinks that the new land and building is important because she wants her class to grow so that she has more friends to enjoy school with. She said she was excited for the new building so that they can have their own gym for P.E. as well as more sports.

Ms. Samara Agion, a sixth grader at Regents, said the school has impacted her life from an educational standpoint and her personal development. She said that classical education has given her a new appreciation for how she is learning and how she thinks. She said she was not simply attending school for good grades, but it has been instilled in her for the past six years that what she is learning is going to be applied to whatever mission she feels called to. She said whatever the future holds, she knows that just like her parents (who attended UVA), she is being offered world-class education. She said she wanted her little sisters to have the same choice, along with the community of Charlottesville.

Ms. Grace Ronger, a tenth grader at Regents, said that before she came to Regents, she was homeschooled. She said she was a very shy person who did not know anyone at school. She said she was scared to experience what going to a new school would be like because she was afraid people would make fun of her. She said on her first day of Regents, her classmates expressed kindness towards her and helped her find her way around the school. She said everyone helped her feel welcome and adjust to her new environment.

Ms. Ronger said that her teachers help her when she is struggling in class and always make sure she is doing okay. She said the teachers are extraordinary and always make time for every students, in and out of class.

Ms. Ronger said she has been in Regents for five years and that all of those years have made an impact on her, allowing her to experience new opportunities and visit new places. She said the new school building would offer space for new students and would allow everyone to be on the same campus. She said the new building would also be an opportunity for the school to grow, which can help future students have the same positive experience she did.

Mr. Quinn Whittaker, a student at Regents, said he was in his second year at the school. He said when he first came to the school, he was scared because he didn't know anyone but that ever since that day, the people there have welcomed him with open arms. He said he feels as if he is part of their family now, and that he wanted other people to be accepted in this way. He said if they were to get a bigger building, this would help.

Ms. Caroline Atwell, a tenth grader at Regents, said she has been attending the school for seven years. She said the school not only challenges her academically, but also personally, emotionally, and spiritually. She said she has developed relationships with students and teachers that will last a lifetime. She said the teachers at Regents invest in the students' lives and want to see them succeed not just in school, but generally in life. She said she could say with 100% confidence that the staff and teachers at Regents love her and want to see her grow into a better person, supporting her and her classmates through all their ups and downs.

Ms. Atwell said that attending Regents has changed her life for the better and that she knew that when she looks back on her schooling and towards her future, she will be grateful that she attended the school. She said that because she is in tenth grade, she may not have the opportunity to attend the new school building, but that her two younger sisters will. She said she wants everyone to experience the same impact she has had from the school, and that the new campus can allow more kids to enjoy school and shape more students who will one day shape the culture of the world for the better.

Ms. Atwell said the present-day culture needs leaders and that Regents provides strong leadership development which will not only help the individual student, but the rest of the Charlottesville community. She said she wants every person her age to learn what she learned from the school. She said the school will thrive wherever it is because God will lead them where He wants them, but the new location would greatly help the school evolve.

Ms. Elizabeth Cramer, an eleventh grader at Regents, said that as a student, she would like to see the resolution for the Special use permit pass for three reasons. She said the first reason was the

personal impact the school has had on her. She said she has only been attending the school for two years, with the school year of 2018-2019 being her first, and part-time. She said for 2019-2020, she came back to the school full-time because she enjoyed her educational experience. She said the teachers' training creates an atmosphere where they want to help students succeed not only as students, but as people. She said they push the students towards their goals and also help them create new ones.

Ms. Cramer said the second reason the resolution should pass is due to the encouragement and growth that has positively affected the community as a whole. She said as a classical Christian school, Regents is called to be in a constant mindset of servanthood to those around them, whether they be of the same mindset or not. She said with this being said, she personally as a student could confidently say that being able to work alongside others is already a part of hers, and the schools', standard of loving others.

Ms. Cramer said the last reason she would like to see the resolution pass is for the future students of the school. She said consolidating the school onto one campus would foster the connections between the younger and older students. She said they have a system in place that allows the students, in smaller groups, to get to know each other and encourage the younger students to grow into the people that they are. She said as the younger students grow, she would like to see the ones coming up through the system being able to use full resources in a bigger and better school.

Ms. Cramer said she hoped the Board would carefully consider the reasons she presented to pass the resolution for the Special use permit so that the school could continue in pushing students towards their full potential.

Ms. Ava Cristfell said she has been attending Regents for nine years and that she started in kindergarten, when there were only 15 children in the entire school. She said of the many qualities she admired about her school, one of them that stands out is the teachers, who pursue her and care not only about her academic success, but about the kind of person she will become. She added the teachers serve as role models, showing the students what it means to live for Christ.

Ms. Cristfell said that Regents also stands apart in its educational model. She said the word "classical" sounds eloquent in a title, but she assured the Board that it was more than just uniforms. She said in the grammar stage of the students' education, they are required to memorize an immense amount of information. She said this serves to form a developed memory that she has found allows her to connect seemingly unrelated topics and form new ideas that no mere Google search could come up with.

Ms. Cristfell presented an example. She said that summer, while driving out west with her family, she was struck with the harsh beauty of the Rocky Mountains. She said in sixth grade, the students had been required to memorize every country in the world, every state and capital, and draw it from memory. She said that geographic knowledge, along with her memory of the Oregon Trail pioneers, served to animate the landscape around her.

Ms. Cristfell said she couldn't help but feel grateful for the convenience in modern transportation and wondered if one solution to the hurdles of building a new school is to reflect on the past, in the hopes that it makes them grateful and realize that if the forefathers had the determination to cross the Rockies in horse-drawn wagons to create opportunities for future generations, surely the community could follow in their footsteps and overcome the obstacles that stand between them in the good that the school will provide for future generations.

Mr. Lucas Rose, a junior at Regents, said he has been attending the school since seventh grade. He said one of his biggest experiences at the school was seeing teachers not only care about the grades, but who the students are as a person and who they are growing into in the world and in Christ as influencers, rather than being influenced. He said the coaches of the sports teams always put the student before the athlete, always emphasizing that being a student is more important than playing on the court and how studies always come first.

Mr. Rose said that with the new students coming in, the school needs more space to grow in. He said in his couple years at the school, to see Regents grow is a miracle, and that it was amazing to see how much it continues to grow. He said he hoped they would get the bigger building so that they could bring more students into the space to show what Regent does and how they prepare students for college.

Ms. Kendra Hall (Samuel Miller District) said she has been local to the area for 55 years and has lived at Buckingham Circle for 23 years. She said she has had children at University Montessori and has worked there for the past 12 years. She said she was speaking for the teachers, administration, parents, and especially the children there. She noted that the school is located near the proposed area for The Regents School.

Ms. Hall said some of University Montessori's concerns are that Reservoir Road is residential, and that the school has happily shared the space with those residents as well as Camp Holiday Trails and Ragged Mountain for 30 years. She said the school is worried that adding more cars will bring anxiety for the students, parents, and staff. She explained the parking lot at their school only has 6-8 spaces but that they have a symbiotic relationship with Trinity Church, so the school uses their top lot. She said they also have 15 feet of woods to walk through as well as a street crossing, adding that this can be scary due to

the drivers on the road.

Ms. Hall said the traffic studies said are looking at the 280 students that are at Regents and not the potential 468 or possibly a higher number in the future. She said there is difficulty with a different entrance, and she is on an inclined slope at her own home, so she knows there is a problem going around the church or other ways. She asked that it be considered that more money should be invested to build a bridge or other type of access.

Ms. Hall explained that University Montessori does not want to be “anti-Regents,” but that it was scary to have small children to possibly slip away from their parents and into traffic, with 200 kids coming in.

Ms. Adrienne Pettit, a Charlottesville resident who lives close to Reservoir Road, said she was present on behalf of University Montessori School. She said she has been a parent, employee, and that she currently serves on the Board there. She said the school will have been in its location for 30 years next year, noting that it is small, with a maximum enrollment of 44 (which they are currently not at), and thus they do not have many students crossing the street there. She said the students are ages 3-6.

Ms. Pettit also said that University Montessori is not “anti-Regents” and thanked Regents for reaching out to speak to them. She said her concerns are two-fold. She said that traffic has always been a concern, and though there are proposed improvements, she did not like the environmental impacts they will have. She said that anyone who has spent time in the residential area would know that they cannot support a school with so many students. She said the traffic studies were done for 268 students, but that Regents would have the ability to go up to well over 400. She said she could not even picture 50 more families coming down the street, much less over 200. She said she would be in favor of creating a different route to Regents.

Ms. Pettit noted that she has spent time in the area over the past 25 years, and that the proposed lighting alone will change the entire environment of the area. She expressed she did not believe the area could support a school of the proposed size. She said she works at the Field School now and she knows what it is like to need the school. She acknowledged that Regents needs a school. She said she also knows what it's like to miss out on a land deal and then get the right one. She wished the best for Regents but expressed that the proposed location was not the right one.

Mr. Jonathan Constant (1009 Perry Street, Staunton) said he was the lone representative Regents School parent coming from over the mountain each day. He said he wished to speak on the values held at Regents. He said each year at the beginning of the school year, the head of school addresses the parents at Parents Orientation and gives the school a theme for that year. He said this isn't just a theme discussed once, but throughout the year. He said he had a third-grader and a seventh-grader (one child at each campus) and that he hears about the theme from them and from the teachers.

Mr. Constant said they have been at Regents for three years, and the first year, the theme was beauty. He said this is something appreciated and that he understands the environmental concerns, acknowledging that some trees will have to be cut and earth will need to be moved, but that the school wants to preserve as much of it as possible. He said when the plans are shown to the Board later that evening, they would see the respect and appreciation for beauty. He said the school wants to appreciate the rural setting that is there now and does not wish to give it an urban feel. He said they appreciate the surrounding nature and want their kids to learn from that.

Mr. Constant said the second school theme was perseverance. He said the school has persevered, with many years of planning for the new location and waiting for a property to come. He said they want to have relationships with their neighbors, including the other school, church, and residents, and that they will persevere to build those relationships and have a foundation to grow on.

Mr. Constant said the current year's theme was virtue. He explained the school wants to be good people, and that through the process, they want to teach the students to do this the right way. He said they do not want to get caught up in politics or manipulation, but that they want to demonstrate that doing hard things the right way is worthwhile.

Mr. Ian Moore, Staunton resident, said he loved his school because everyone is nice. He said he hoped that the school would obtain the property because he cannot ever see his sister, as she is at a different campus. He said if they get the property, he will see his sister more because she would be on the same campus as him.

Mr. Phillip Davis, Rivanna District, said he has a third grader at Regents School, and that the school means so much to him. He said he and his wife were blessed with one child, and they want the best for her. He said he believed she is getting the best at the school. He explained they were drawn to the school after visiting many schools, and that at one point they were actually enrolled at another school. He said that though it would have been great, enrolling in Regents was a must. He said the school has many positive aspects and fills a niche in the community that no one else does. He said it is the lone, classic Christian school he has found within 100 miles, which is important to him.

Mr. Davis said Regents has a great quality of education. He said his wife is a local dentist with a degree from UVA in Biology. He said his first two years of college were as a biology major, though that shifted. He said that after first grade, his daughter came home with biology knowledge that far outpaced their own. He said he and his wife thought the terminology she was sharing was new, but that it was actually from 1856. He said his wife, during her four years at UVA, did not receive that knowledge but that his daughter, after two quarters at Regents, had that knowledge.

Mr. Davis alluded to the strong community, explaining that the students are good neighbors and that the teachers and staff work with them to make this possible. He said when the children have problems with one another, the teachers will sit and have lunch with them, describing to the students what it is like to be a good community member. He said it was important to note that if the school is given a permanent location and is woven into Albemarle County, it makes the County stronger and more beautiful.

Mr. Travis Johnson, 3101 Columbia Road, Zion Crossroads, said he was speaking on behalf of the pastor of Jefferson Park Baptist Church. He read: "To whom it may concern, I began as a pastor of Jefferson Park Baptist Church in October 2010. When I arrived, Regents was already using space in our building. I had many encouraging conversations with Courtney. My impression of her was that she was joyfully and resolutely committed to provide a rigorous, classical education for children in Charlottesville. She was teachable, but undeterred in her mission.

"Regents was a model tenant. They felt more like good neighbors. We did not ask for any financial reimbursement because we wanted to help them start and grow. They were a joy to have with us because they made a persona and positive impact. They made improvements on our building, joined with us in church cleanup projects, and had amazingly well-behaved children. They soon outgrew the space we could provide, which was disappointing. I was eager to have them return a few years later when I heard that they had already outgrown their new location. We welcome their rhetoric students back because we could not fit the whole school. They again have been great neighbors.

"One thing that stands out about Regents is that there are lots of rules and lots of smiles. This is an unusual combination. The school expects children to respect adults and honor their peers. The culture is one where virtue and kindness set the standard for behavior. I believe this is done with joy, because the leaders and faculty of the school have created a culture where being positive and kind are expected. They are the type of neighbor anyone should want to have and are training our future citizens to embrace virtues that will help them be a positive influence on our community. I have been so impressed by the school, I entrusted my own children to their training and care.

"I apologize that I'm not able to be there in person to provide testimony of the kind of neighbor the school has been and continues to be. I personally do not want them to leave our space, but I also want the school to grow and thrive because of the positive impact they have on our children and community. I believe Charlottesville is blessed to have Regents, and their gaining the property to grow as a school will only increase that blessing. Sincerely, Dr. Keith Goad."

Ms. Jackie Jamison, Samuel Miller District, said she is a Regents parent and Board member. She said she loved the school and wanted to talk about the merits of their application. She said she has a Masters in Natural Resource Planning and spent 7 years working for the Valley Conservation Council in Staunton doing conservation easements. She explained that the only way smart growth works is to allow for growth to happen in the development areas. She said she supported protecting the County and having a strong conservation program, but the other side of this was that the County needs to grow smartly, and that the proposed location is in the development area. She recognized that there will be traffic impacts, but said the County needs to choose the places where they want the impacts, and the County has already done this.

Ms. Jamison said her second point was that there were benefits to the school moving. She said that the traffic studies show the cons for the move, but they currently have traffic on the Ivy Road site between Broomley Road and UVA at Northridge. She said that many people will be happy when Regents moves. She said there is an awkward turnaround there that routes a lot of people on the busy stretch and that this hasn't been captured in any of the traffic studies. She acknowledged there will be more traffic in the area, but that it was traffic that will have moved from another critical location and asked the Board to keep this in mind.

Mr. Steve Morales, Samuel Miller District, said Ms. Jamison made his point that the traffic already exists, explaining that his two youngest children are at different campuses and that his drop-off and pickup are at two locations in town, resulting in double the amount of effort. He said he was a long-term member of Trinity Church and understood that the church traffic was intense but pointed out that it is only so for a very short period of time. He said the same goes for the school and it is not as if it is a commercial building, noting that drop-off and pickup each last about 30 minutes.

Mr. Tim Starr, Jack Jouett District, thanked Ms. McKeel, recognizing her presence out in the community and the investments made in their area. He said that because of Ms. Palumbo's vision, they have attracted teachers to Albemarle County who were not from the area, and that many of them moved specifically for Regents School. He said this means that Regents is a very special place that also attracts

families to live purposefully in and around the County. He said he and his family lives in the County because of Regents, explaining that he works from home and could live anywhere. He said Regents is a tremendous value to the community, both in terms of its education and economic impact.

Mr. Starr said he has attended Trinity Church for 20 years and that all his children have gone to the preschool there, so he was very familiar with the traffic impact and day-in-day-out. He said with all due respect to the neighbors, his personal opinion was that it will be a minimal impact, considering the growth potential of alternatives to the property.

Mr. Starr recognized the neighbors' comments about supporting the school, if they had a "magic bridge" for access. He said Regents actually has two "magic bridges" which are its two large school buses, which have been strategically placed in the community for families to get their kids on the buses. He added that many families already carpool. He said that while the student enrollment number was about 280, there are about 3-4 students in many cars (up to 6 in some), as well as the two school buses. He thanked the Board for its continued support.

Ms. Courtney Palumbo (Scottsville District), head of Regents School, said this would be the last time Regents would ask for a Special use permit. She asked everyone in attendance who was in support of Regents School to stand. She said this group worked hard and waited many years for that evening, and that she appreciated all the work that staff put into the application.

Mr. Gallaway closed the public hearing.

Mr. Tim Padalino presented the staff report. He said the applicant is The Regents School of Charlottesville and that it is a Special User Permit request for a private school in a Residential R-1 zoning district. He said there was also a separate special exception request that would go along with the proposal that will require a separate motion from the Board.

Mr. Padalino indicated to a map, explaining that the subject property, consisting of two parcels of record, is located within the development area in Neighborhood 6 (Western Urban Neighborhood). He said the site is in the Samuel Miller Magisterial District.

Mr. Padalino presented a vicinity map showing the existing conditions and the subject property being located on the south side of Reservoir Road. He said the property abuts the Interstate 64 right-of-way and is also near US-29 between the Fontaine Avenue exit and the interchange with I-64.

Mr. Padalino presented a map of existing conditions, which showed the site in more detail. He said the subject property includes Tax Map Parcel 75-66, which is a 3.6-acre parcel to the west, and Tax Map Parcel 76-17, which is 15.5 acres, and added that these parcels are currently undeveloped. He indicated on the map to the adjoining relationship with Trinity Presbyterian Church, and Foxhaven Farm, a UVA Foundation property, directly across Reservoir Road. He said the Virginia Department of Forestry has a yard or maintenance operation at the end of Fontaine Avenue Extended. He indicated on the map to the Buckingham Circle neighborhood.

Mr. Padalino explained that the area is within the development area, but does have some characteristics of the rural areas, including low-density single-family residential uses and other areas of undeveloped forest, fields, and farms. He said the area also has several of the institutional land uses previously mentioned, as well as two schools, University Montessori, and the Keys Academy on Fontaine Avenue Extended.

Mr. Padalino presented a zoning map, which shows the current zoning to be R-1 Residential, which allows for residential uses at a density of 1 unit per acre. He said private schools are only permitted in the R-1 zoning district with a special permit, hence the public hearing. He said the subject properties are also within the Entrance Corridor Zoning Overlay District, although it was not shown on the map.

Mr. Padalino said regarding the future land use plan, as contained in the Southern and Western Urban Neighborhoods Master Plan, the subject property primarily has a future land use designation of Neighborhood Density Residential. He said this encourages residential uses between 3 to 6 dwelling units per acre density, and also establishes secondary uses such as places of worship, schools, small-scale neighborhood-serving retail, and commercial uses where deemed compatible with nearby and adjoining uses.

Mr. Padalino said that as the future land use map also indicated, there are areas designated as parks and green systems and that this area includes steep slopes and riparian areas along a tributary to Moore's Creek.

Mr. Padalino said the site is primarily in undeveloped, forested property and is located in a general area with environmental biodiversity of note, as identified by the County's Natural Heritage Committee. He indicated to the critical resources map, noting that there was substantial topography on the property, with over 100 feet of elevation change between Reservoir Road and the southern edges of the properties along the tributary stream.

Mr. Padalino said the subject property also includes significant critical resources, including preserved steep slopes and a water protection ordinance stream buffer.

Mr. Padalino presented images of the existing conditions in the location, noting the characteristics of the area. He explained there was a portion of the property that had previously been cleared and leveled for use as a staging area for the reservoir project but that other than this, the property is forested and hilly.

Mr. Padalino said the proposal is for a private school with a maximum student enrollment of 468 students. He said the applicants have proposed initial operational limitations to attempt to mitigate some of the impacts associated with their proposed use. He said this includes a limitation of initial enrollment, limited to 280 students, with a school start time of 7:45 am or earlier.

Mr. Padalino said these limitations were voluntarily proposed by the applicants to attempt to mitigate impacts to the transportation network, particularly at the US-29/Fontaine Avenue interchange, and particularly during the A.M. peak traffic hours. He said those limitations were derived from the results of a traffic impact assessment prepared by Environmental Planning Resources and with the operational limitations, VDOT and the transportation planner had no objections to the proposed use, as conditioned.

Mr. Padalino added that the proposal includes a condition (#3) to establish a framework for potentially permitting future operational changes, including more students or a later start time, provided that the applicants can demonstrate, to the satisfaction of the Community Development Director and her designees, that such changes would not create unacceptable impacts to the transportation network. He said the details of this condition were much more complex and that they could be discussed later in the hearing.

Mr. Padalino said the application includes a special exception request related to outdoor athletic lighting for the proposed athletic field. He said this was a request to increase the maximum height of poles used to light the field from 35 feet maximum to 70 feet.

Mr. Padalino presented an excerpt of the concept plan. He indicated to a line, explaining that everything to the right of it would be considered the limits of school campus, approximately 13 acres, or 69% of the site. He said everything to the left of the line would be the limits of what is called the "Academic Woods Area," which is approximately 6 acres, or 31% of the site, that would remain as an undeveloped residue.

Mr. Padalino said with a few exceptions for the academic woods, the applicant wished to reserve the right to have up to five sites for small improvements, primitive structures, or other accessory uses to complement the school buildings. He said this was a part of the proposal that staff worked closely on with the applicants, and they have agreed to a note on the concept plan that would say, "Use of the Academic Woods is allowed, up to five sites. Land disturbance would be limited to 500 square feet maximum at any one of those sites, and total aggregate land disturbance would not be able to exceed 2,500 square feet." He said the idea is that those would be nominal impacts to an otherwise environmentally-sensitive area, and none of the sites would be allowed to be located within preserved steep slopes or within the stream buffer.

Mr. Padalino presented another excerpt from the concept plan. He indicated to what the applicants are proposing as a full-access commercial entrance on Reservoir Road, with a right-out exit only at a site closer to Trinity Church and University Montessori School. He said there would be a loop drop-off operation there before vehicles would then exit. He said the applicants are proposing a gymnasium, a theater, a library with administrative offices, and an athletic field.

Mr. Padalino said staff acknowledges that the proposal would result in certain changes to the area of Reservoir Road and that nearby residents have raised concerns about certain aspects of the proposal. He said he would summarize the primary concerns, categorized by issue.

Mr. Padalino said the first major issue staff has been working on with the applicants is transportation, specifically traffic congestion at US-29 and Fontaine Avenue. He said to address or mitigate this, the applicants have committed to the voluntary operational limitations with the initial student enrollment of 280 and school start time of 7:45 am. He said the other transportation-related issue was the existing conditions of Reservoir Road and the physical adequacy or safety of the road for this use. He said the applicants have voluntarily committed to dedicate additional right-of-way along the road to the public for public road use and to physically construct improvements along Reservoir Road prior to the issuance of Certificate of Occupancy.

Mr. Padalino said environmental impact was another issue of concern, specifically the conversion of forested land cover to development, which includes land disturbance, tree removal, mass grading, and the overall environmental footprint. He said that the applicants, however, have proposed a concept plan that is sensitive to environmental features, as previously described. He said that all of the lands designated in the Comprehensive Plan for parks and green systems would remain undeveloped, with the exceptions described in the concept plan.

Mr. Padalino said the concept plan also establishes a grading buffer around the preserved steep slopes that voluntarily prohibits any grading within 5 feet of such slopes. He said that otherwise, grading can occur right up to the edge of preserved steep slopes.

Mr. Padalino said another major issue was lighting, specifically a concern about light pollution in terms of light escaping vertically and diminishing the dark night skies. He said that all proposed lighting will be selected, installed, and operated in compliance with the full cutoff requirements in the zoning

ordinance.

Mr. Padalino said that another similar concern was light pollution in terms of light escaping diagonally down onto adjoining properties, nearby properties, or the adjacent right-of-way. He said lighting plan details will have to demonstrate compliance with all the applicable standards in the zoning ordinance, which includes spillover and glare limitations. He explained that there cannot be as much as half a footcandle of light beyond the property limits and that this detail is subject to review and approval by Community Development during the site plan process. He added that because of the location of the property, the lighting plan will also be subject to review and approval by the ARB during the Certificate of Appropriateness review process.

Mr. Padalino provided a summary of the factors favorable and unfavorable, noting that everything is described in full detail in the staff report from August 20 and staff report update from September 3. He said in summary, the transportation impacts are being addressed through the proposed conditions; the proposal provides additional educational options for children and youth in the community; the proposed school is a secondary use that is recommended in the Master Plan; and the concept plan shows a development that is sensitive to environmental features.

Mr. Padalino said staff did identify an unfavorable factor related to the conversion from forested land cover to a site that is developed and visible from the Entrance Corridor, including multiple structures and lighting approximately 70 feet in height.

Mr. Padalino said in conclusion, based on the favorable factors outweighing the unfavorable factor, and based on agreement about the appropriateness and adequacy of the recommended conditions of approval that would allow for more future expansions of the private school use without requiring another Special use permit application, and without allowing unacceptable impacts, staff recommends that the Board follows the Planning Commission's recommendation and adopts the resolution, provided as Attachment G, to approve the Special use permit with five conditions, as follows.

Mr. Padalino said the first condition is to ensure that the development of the property is in general accord with concept plan. He said the second is the operational limitations related to the initial maximum student enrollment of 280 and the school start time no later than 7:45 am.

Mr. Padalino said the third condition establishes the parameters for how future operational changes would be permissible, explaining that it would require a formal request to be submitted with the traffic impact assessment and would have to demonstrate, to the satisfaction of the Director of Community Development and her designees, that the proposed change would not cross any of the four thresholds. He said this is derived from the same traffic impact assessments that were submitted with the application and is something that both Mr. McDermott, Transportation Planner, and VDOT's Mr. Moore worked on together in conjunction with the applicants.

Mr. Padalino continued that staff feels comfortable that this would be the correct set of parameters to establish to allow for staff to approve future changes, provided that this is demonstrated to their satisfaction.

Ms. Palmer asked about a slide that said, "Operations on 29 Bypass Interchange at Fontaine Avenue Extended may not result in it being placed on the VDOT Top 100 Potential for Safety Improvement Locations for Intersections." She said she was confused by this sentence and asked why the operations at 29 Bypass Interchange at Fontaine Extended would not result in it being placed on the VDOT list. She said she had thought the whole intersection was a priority.

Mr. Padalino replied the first three parameters are about congestion and function, and the fourth is about safety. He said no changes are permissible if it would result in any of the three intersections being studied becoming unsafe.

Ms. Palmer said she understood and that she had been reading the slide out of context.

Mr. McDermott clarified that the Top 100 PSI list is the VDOT list of safety concerned intersections and is separate from the County's priority list.

Mr. Padalino said the fourth recommended condition is about transportation improvements and ensuring that the commitment to improve the road, as shown in the application materials, will happen prior to any issuance of Certificate of Occupancy.

Mr. Padalino said the fifth condition is a period of validity establishing a five-year period for the school to commence the use after any approval by the Board.

Mr. Padalino presented the details of the special exception request. He said the request is to increase the permissible height of the poles for outdoor athletic lighting from 35 feet to 70 feet. He said both staff and the Planning Commission recommended approval of the special exception request.

Mr. Padalino explained that because of the technical specifications of the proposed LED lighting system, mounting the lights in compliance with the 35-foot maximum pole height would require those luminaires to be installed on the poles in ways that would actually create greater impacts to adjoining properties, which would not allow them to be used in a full cut-off way. He said that in contrast, installing the LED lights at approximately 70 feet would allow for the proper use of the lighting technology, as it is

designed, to illuminate the field of play safely and would allow for the lights to meet the full cut-off requirements in terms of how they can be installed with the vertical aiming angle and other technical details.

Mr. Padalino said that based on these details, staff recommends approval of the special exception, with two conditions: that the maximum height is capped at 70 feet, and that use of the lights must discontinue at or before 10:00 pm.

Ms. Palmer said she appreciated the school proposing the operational limits and recognized that they have done a good job with buses on 250. She said her concern was rental of the fields and that she would like to hear Ms. Long address this. She said in August 2018 when they had the Community Meeting, she had asked Ms. Palumbo directly whether the school was planning to rent the fields. She said she appreciated Ms. Palumbo's honesty at that time when she disclosed that it had been discussed. She said it would be negligent if the school had not thought about this, as it could help pay for the school's operations and was reasonable to think about.

Ms. Palmer said she had read the Planning Commission's notes thoroughly and that renting the fields had been mentioned, but not thoroughly discussed. She said this would bring in traffic impacts to the area that the neighbors could potentially oppose. She recognized that the school had proposed mitigation for traffic impacts for school drop-off and pickup, but not for mitigation of renting the fields. She said in order for her to vote, she would need to hear a more concrete condition that would deal with this.

Ms. Palmer said that it is well known that this is development area and that there is the assumption that when the intersection is improved, UVA will likely develop Foxhaven Farm and that the whole area will change dramatically. She said that until then, there will be a series of problems at the intersection over time and that she would like to hear more about how this will be addressed.

Mr. Randolph asked Mr. Padalino about pages 11 and 12 in the Planning Commission report, noting that they both concern Moore's Creek, which is in his district and he feels a strong stewardship towards. He said that in the narrative on page 11, it says, "The site's adjacency to a designated stream conservation unit along the tributary of Moore's Creek is a concern due to possible erosion and sedimentation associated with extensive clearing and grading and creation of managed steep slopes." He asked if there have been any concrete steps to ensure the integrity of Moore's Creek is enhanced, or at least maintained or preserved, through this stretch of property.

Mr. Padalino replied that there are county-wide erosion and sediment control requirements and VSMP Planning and Water Protection Ordinance Requirements and that these were in effect. He said the application attempts to meet that challenge by keeping the riparian area in the Academic Woods land use designation. He said they had originally called it "open space" or "preservation area," but that staff had identified some concerns with those as they define those terms in the ordinance.

Mr. Randolph said he would be looking for something more substantive and desired to see more concrete steps. He said the tributary was "God's resource" that flows through the site, and that it deserves to be enhanced by people of God who care about God's resource. He said he would look for a higher level of stewardship in this location.

Mr. Randolph then referenced page 12, which states that, "Staff have identified an element of the Parks and Green Systems Plan, which is not addressed in this proposal. Specifically, that plan shows a proposed greenway conceptually located along or near the tributary to Moore's Creek, which runs along and near the southern boundary of the subject property. No such trail, molded use path, or other greenway connection appears to be contemplated on the concept plan or referenced in other application materials." He said this is what the Planning Commission saw and asked if any of this had changed since then.

Mr. Padalino replied no, that the proposal had not changed, but that staff's analysis changed. He said this change was captured in the September 3 staff report update and during the period of postponement between the originally scheduled public hearing and the September 3 public hearing, he coordinated with Principal Planner, Ms. Megan Nedostup and Greenways Coordinator, Mr. Dan Mahon to try to understand the feasibility, priority, and urgency of the connection. He said the outcome of the coordination was more of a focus on providing connections to the Ragged Mountain Natural Area and Reservoir via Reservoir Road itself.

Mr. Padalino added that it was indicated to him that there was some coordination happening with UVA and UVA Foundation to try to establish greenway connections to the north side of Reservoir Road. He said that based on those factors, staff withdrew their comment and deemphasized their concern.

Mr. Randolph said that what Mr. Padalino was then telling him was that at the present time, they may not have a concern, but that UVA could design something in the future where the connection to the trail could be critical. He said the Board would have been involved in not urging the trail to be there.

Mr. Randolph said he was now even more concerned after Mr. Padalino's statement because, fundamentally, if the goal is to ensure that there will be connectivity along the greenways, then staff should be supporting the connectivity as this is a communication from the Board that it is a priority for them recreationally, as well as in terms of public access. He said he appreciated Mr. Padalino letting him know that neither one in the application that was formally submitted and updated includes those changes.

Ms. Palmer asked what page this was on.

Mr. Randolph replied that it was on pages 11 and 12.

Mr. Padalino said he was experiencing technical issues with the presentation but that if he were able to pull up the map, he would say that in coordinating with Ms. Nedostup and Mr. Mahon, they realized that the right-of-way for I-64 actually extends beyond the tributary stream to the north side of the stream. He said the result was that the subject properties do not actually front along the tributary, but with two exceptions to the far western edge and far eastern edge of the subject property. He said in effect, there is a public right-of-way along the tributary if there was emphasis on making the greenway connection in the near or intermediate future.

Ms. Mallek asked regarding Moore's Creek water protection and erosion if Mr. Padalino could look at the map, with his scale, and tell approximately how much north to south the green preservation or Academic Woods would be. She said she suspected it was a couple hundred feet or more, as it is a big acreage that is going to be undisturbed. She said she wanted to identify approximately how deep the buffer is and that the applicant could perhaps address this if Mr. Padalino did not have this information available. She said if the Board was looking at any other kind of application, it would be an undisturbed buffer along the stream that would be expected to solve the issue if there were 45 houses there instead, which would be the alternative use.

Mr. Padalino asked if Ms. Mallek was asking about the length or the depth.

Ms. Mallek replied she was asking about the width or depth, or the effective usefulness of it, which would be north-south and towards the stream.

Ms. Mallek said the previous analysis also answered her second question about the trail. She said the greenway right-of-way needs to conform to the plans laid out. She expressed she would be reluctant to say to any applicant that it would need to be saved someday, just in case, and that she would be more supportive of sticking to the plans that are laid out, especially ones where the topography is more reasonable to have a trail to begin with. She said the steep slope is not a place to cut in a make a trail when it is already very steep.

Mr. Padalino said that looking at the concept plan, the depth is between 25 and 100 feet on the property, but as noted, the property boundary has many spaces where it is likely between 35 and 50 feet from the stream.

Mr. Gallaway invited the applicant to come forward.

Ms. Valerie Long with Williams Mullen, representative of the applicant, addressed the Board. She thanked the Board for deviating from standard procedure to allow the students to speak first. She said that Ms. Courtney Palumbo, head of the school, was present as well as Mr. Shimp and Ms. Kelsey Schlein with Shimp Engineering; and Mr. Bill Wench with EPR, the traffic engineer who prepared their traffic studies.

Ms. Long said that between the comments that have already been made and Mr. Padalino's presentation, the Board was already familiar with the history of the school, which was on two campuses and has nearly reached their limit on Ivy Road. She said the school has been looking for a property for many years, ever since their first SUP on Ivy Road, and that the subject property was the fourth they have seriously looked at. She said they were excited about the prospect of having it all come together.

Ms. Long said there were a few things that weren't mentioned in terms of traffic. She said that one student at the school doesn't necessarily equal one trip, noting that the school now has two buses that can hold 48 students each, with the first one being full and the second one filling rapidly. She said there are a number of employees who have children at the school and large families who have multiple children in the school.

Ms. Long said there was also a large amount of carpooling that goes on and that the families are well-versed in the benefits of using the buses and carpooling and that many have done a good job of making well out of a very tight site in a less-than-ideal location at Ivy road, which is why they were excited about the prospect of moving to a better location.

Ms. Long said there were also early concerns about the enrollment requests that the school made. She said the maximum would be 468 students, with the original enrollment being 280, which is supported by the traffic study and demonstrates that the 280 students, with the earlier start time at 7:45 am, will not result in any adverse impacts on the Fontaine Avenue intersection.

Ms. Long said she wanted to put into perspective the fact that although 468 students sounds like a lot, this is essentially two classrooms at each grade level, K-12. She said it was also fairly consistent with the enrollment that is permitted at a number of the other private schools in the community. She said some of the private schools listed only go up to the eighth grade, such as the Peabody School and Charlottesville Catholic School and that they have similar figures. She said Regents' proposal for student enrollment is very consistent, and in fact less than, what has been approved for other private schools in the community.

Ms. Long said the location was a mixture of institutional uses, the interstate, and other parcels.

She highlighted the Comprehensive Plan, noting different areas such as Low Density Residential and Parks and Green Systems. She said Regents was particularly proud to be able to demonstrate that all of the area shown on the Comprehensive Plan for Parks and Greenspace is outside of the school's development area. She said, as Mr. Padalino indicated, that 69% of the area is to be developed, and 6 acres, or about 31% of the site or almost a third of the total acreage, will be preserved. She said this is the most sensitive portion.

Ms. Long also highlighted a 5-foot setback the applicant voluntarily offered. She said currently, there is no rule against grading directly against a preserved slope, but that they have volunteered to stay 5 feet back from the edge of any preserved slope without grading into it. She addressed Mr. Randolph, explaining that this was one element that answers his question about steps the applicant was taking to ensure the protection and enhancement of the stream.

Ms. Long said there is also a land use chart that spells out things that can be done in each of the various areas. She clarified that in regard to the primitive structures, those would be allowed under very limited circumstances in the green area. She said these could include picnic tables, a picnic pavilion, or primitive outdoor amphitheater classroom space. She noted there were very strict limits on the size of those disturbance areas.

Ms. Long said there is also a large school buffer adjacent to Trinity Church, noting Regents' strong relationship with the church and that the church has been working with them in terms of the location of a pedestrian path that would connect the church and the school campus. She said they were also working with the church on some utility easements. She said they were reserving, along the entire frontage of the property, right-of-way reservation for any future work that VDOT may want to do along Reservoir Road, future extensions of bike trails, etc.

Ms. Long presented the conceptual plan showing how the school campus, at full buildout, could fit into the site while still staying out of the Academic Woods area. She indicated to the line of demarcation where it would be located. She noted that even the portion within the 69% developable area, not all of it would be developed and some of it would be landscaping, vegetation, and preserved area. She presented a slide that demonstrated how the conceptual plan fits into the Comprehensive Plan and how the applicant respected the lines and sensitive areas in the plan.

Ms. Long said that all of the school's campus, except for some picnic pavilions and perhaps some outdoor classroom space, will stay out of the sensitive areas, not only the areas that are designated in the Comprehensive Plan as Parks and Greenspace, but also other sensitive areas nearby them that are not designated as preserved slopes or Parks and Greenspace. She said the applicant was going above and beyond, in that regard.

Ms. Long recalled that there was question early on about the visibility of the proposed athletic field lighting from certain locations on the interstate. She said the applicant studied it from many different vantage points and a point that Mr. Padalino had particularly asked the applicant to focus on. She showed a distant view from the interstate when one is driving from the west and headed towards Charlottesville.

Ms. Long said the applicant put together an exhibit and also conducted a balloon test to demonstrate what the visibility of those lights. She said they were unable to find the balloon, even at its location. She acknowledged the test was done over the summer, so the conditions will be very different in the winter. She explained that this was why they put together an exhibit to demonstrate that the amount of vegetation that would not be removed is still very significant and that there is an extremely long distance involved in terms of linear feet.

Ms. Long said that the lighting proposed is the same new technology of lighting the Board had seen before on several similar applications. She said the fixtures are from Musco Lighting and that their same fixtures were just installed at Monticello High School and at Crozet Park for Peachtree Baseball.

Ms. Long presented Musco's materials that demonstrated how lighting technology has evolved over the years, indicating to older, less acceptable lighting that the County sees at some of their existing high schools in the area. She presented an image of what the new lighting technology could achieve, and that Ms. Mallek could likely weigh in on how effective the lighting has been at Crozet Park for Peachtree Baseball, noting that the park is surrounded by residences and neighborhoods. She said she was told that there have not been any concerns from the neighbors there and perhaps it was even too effective.

Ms. Mallek added that without a flashlight, one cannot even find their car.

Ms. Long acknowledged one downside, that a parent was injured in the parking lot because he tripped over a curb he could not see due to it being so dark.

Ms. Long presented Musco sales materials that demonstrated the significantly improved technology with the lighting. She noted they were the same exhibits she had showed the Board in connection with their application for the UVA Foundation for their new tennis facility at Boars Head.

Ms. Long said the applicant is also voluntarily making important improvements to Reservoir Road. She said there were a couple of locations where there are two vertical curves, and hills in the road, when driving, result in having a blind vertical curve, which infringes on the sight distance or visibility and thus, the safety. She said even with a very low-volume road like Reservoir Road, there is room for improvements. She said presented images of the locations, noting there are limited improvements. She

indicated to an area where there is a vertical curve, explaining it will be graded so that one can see better without having a blind spot.

Ms. Long indicated to another limited area where the sight distance currently isn't sufficient, explaining there would be shoulder improvements that include limited grading and clearing vegetation. She indicated to the second area is closer to the edge of the parcel, which represented the area where grading would be done to remove the vertical curve and improve sight distance, as well as to clear back some of the vegetation.

Mr. Randolph referred to the south side, where the applicant is cutting in 5 feet, and asked what benefits this would provide.

Ms. Long replied that the purpose of the work was to improve sight distance on Reservoir Road. She said because of the curves and the lack of a shoulder, as well as the vegetation and bank, the sight distance is not adequate or ideal. She said there would be a limited amount of grading that will lay back the slope, open up the view, and enable people to be able to see further ahead of them, thus improving the safety.

Mr. Randolph said the Board had an extensive conversation with the Albemarle County School Board earlier that week about ensuring that the students could perhaps bike and walk to school. He said with the school going in at the new site, he did not see anything in terms of walkability or bike-ability to the school. He asked why this was not there, noting that if the applicant didn't do this, it would be left at some point to the County to pick up the cost of running sidewalks and bike paths along the route. He said given his limited time on the Board, he was not inclined to hand over a future obligation to a future Board who would have to pay for it down the road. He said he couldn't understand why a provision for a multiuse path wasn't included in the plan.

Ms. Long replied that the applicant was preserving an area of right-of-way reservation along the entire frontage of the school's property. She acknowledged there is no bike path or sidewalk there now, as there is not room for it in the road area, but that the applicant was reserving the right-of-way so that it can be added in the future, in addition to the improvements on Reservoir Road.

Ms. Palmer asked how wide the right-of-way would be.

Ms. Long replied it was 25 feet wide.

Ms. Palmer said on the same subject, she was concerned about where the field will be going in if there will be people parking along the road to access the field for events.

Ms. Long presented the conceptual plan, indicating to parking spaces. She explained that the times they would have athletic events at the field would not be the same time the school would be in session, and that it may be right after school, but the school has planned for sufficient parking to accommodate that.

Ms. Palmer noted that people always like to park at the most convenient spot, then park on the road and walk into the field. She expressed concern about this.

Ms. Long added that the school has also worked and secured with Trinity Church an agreement to share their parking lot when needed, ideally geared more towards overflow events for the school, such as graduation or Parents Day. She said to the extent the school ever found that the on-site parking was not sufficient or was creating any problems, visitors can utilize the additional, sufficient parking at Trinity.

Ms. Palmer said she knew that people could use and find the parking, but that people have a habit of parking as close as they possibly can to where they are going. She asked if there was some kind of barrier, planting, or fencing in that area.

Ms. Long replied that currently, there is nowhere to park, even if someone wanted to park on Reservoir Road.

Ms. Palmer said the Board knows their roads and stressed that people will still do it, citing Sugar Hollow as an example.

Ms. Long said this would be an operational issue that the school will have to be prepared to address. She said the hope and expectation is that, given the sufficient amount of parking on-site, it is only one athletic field and even if there was crossover between a soccer and basketball game, there would still be sufficient parking for those events. She said the applicant was glad to consider operational issues which were similar to the way the school has to deal with issues at their current Ivy facility. She said the school is well-versed in adapting to less than ideal situations.

Ms. Palmer said she would assume that the school will take care of this.

Ms. Mallek said if people were towed from Sugar Hollow, those issues would go away, and she expected that the school would not hesitate to do this if this issue started to happen.

Ms. Long replied that the school does a good job of self-enforcement with their families and that they have worked hard and successfully at their Ivy Road location to avoid issues, despite the challenging

situation there. She said the absence of complaints from the neighbors, even in the most recent years after increasing enrollment, is a testament to how successful the school is and how well their parents follow rules as good neighbors.

Ms. Palmer said her question was to the field rental, acknowledging that this would be covered.

Ms. Long replied that she would cover this. Regarding traffic, she presented the plan that had been hoped would be funded to make comprehensive improvements to the Fontaine/29/Bypass intersection. She said unfortunately, it was not funded, but her understanding was that the proposal would likely be resubmitted. She said if it were to be funded and constructed in some version, it would address the traffic congestion issues in the location.

Ms. Long said that because the improvements weren't funded, the applicant's traffic study revealed that without an initial limitation on student enrollment and earlier start time, they could create problems in one or more places in the intersection. She said the applicant's traffic study demonstrates, with the conditions in place, that they will not create those adverse impacts.

Ms. Long said the applicant also had recent traffic counts done on Reservoir Road to put into context the very low volumes that take place there. She presented a slide showing trips per hour, noting the eastbound and westbound numbers. She said that during the 7:00-8:00 am hour, there were never more than 16 or 17 trips. She said likewise, during the 8:00-9:00 am hour, there are less than 20 trips. She said it wasn't until 3:00-4:00 pm that the numbers cross over into 20 trips per hour on Reservoir Road.

Ms. Long again noted the low volume, but that the applicant takes seriously the importance of being a good neighbor. She presented some Google Earth photographs of University Montessori's crosswalk where students come through the woods from the Trinity parking lot. She said among other things, the improvements the applicant is making on Reservoir Road will reduce the vertical curve that is closest to the school, which will improve the sight distance by an additional 12 feet in that location, which will only help.

Ms. Long said the applicant has also been speaking with the Executive Director of University Montessori about applying to VDOT to request that the stretch of the road be designated as a school zone, which they believe will be in everyone's interest.

Ms. Long addressed the comments and questions that were raised by the Board. She addressed Mr. Randolph, recalling his remarks about the trail. She said Mr. Padalino had covered everything she would say but that, most importantly, they determined after speaking with Mr. Mahon that because of the extent of the right-of-way in that location between the actual interstate travel lane and the trail, the area is very wide already and so there is already sufficient public right-of-way there.

Ms. Long said the school is not opposed to having a trail in that location, but it was an issue that came up at the very last minute right before the staff report was released, which they were not aware of. She said the school is not opposed to it, but they need to be able to plan for it and understand the safety ramifications of having a public trail that would go through the school's property. She said if there is sufficient right-of-way already there, it would be the school's preference to have it not go through their property. She said part of their attraction, among other things, to the property is the proximity to Moore's Creek and the natural area, as well as the environmental studies and learning opportunities that this would provide.

Ms. Long concluded that the trail could be a huge benefit for the school, but that they were not ready to agree to commit to it at this time, especially after right-of-way was already identified there.

Ms. Long said in regard to Moore's Creek and enhancing it, she reiterated Mr. Padalino's remarks that they are preserving and keeping off limits 6 full acres of the land, which is not only the land identified on the Comprehensive Plan for parks and green space, but also a large amount of area that is developable per the Comprehensive Plan, but that the applicant is agreeing to leave as green space. She said the applicant was essentially widening the buffer far beyond what would otherwise be required. She said there is also a 5-foot area along the boundary between the development site and the preserved site to stay back from the sensitive preserved slopes.

Ms. Long indicated on a map to another area that the applicant is preserving as a buffer, even though that is part of an area that is designated for development under the Comprehensive Plan. She said they were trying to preserve as much green space as absolutely possible while fitting in the school's campus for their long-term buildout.

Mr. Randolph expressed his appreciation for this, noting that it was one thing to stay out of sensitive area and preserve the land. He added that he has an issue in that, if they do not provide public access now, when will it happen. He pointed out that as "no man is an island," no school is an island separate and apart from the rest. He said having the public access there will be helpful for the students to use for nature walks and evaluation of the environment. He said if these things aren't put into place now, it becomes much more difficult in the future for the Board to ask for them.

Mr. Randolph added that he believed Regents had an obligation to University Montessori to provide the funds for the crosswalk, which is currently not electrified but should be so that their students can enjoy their customary crossing of Reservoir Road and be able to activate a crosswalk that indicates

traffic stops so they can walk across. He said people will not walk across without looking both ways, but that having some kind of assurance (especially when considering 280 students) that they can safely cross was important. He said that to be a good neighbor, it was Regents' obligation to the University Montessori to ensure safety at the crosswalk.

Mr. Randolph explained these were the types of improvements he was looking for on the project that would help ensure that everyone feels secure, and that the community is looked after in the long run as they project ahead with usage along the tributaries of Moore's Creek.

Ms. Long replied that the applicant was very sensitive to the sidewalk situation that University Montessori has. She said she had an extensive conversation with Mr. Moore from VDOT and over the past 1.5 years that they have been working on the application. She said she had specifically asked Mr. Moore what measures could be added to the crosswalk to be safer. She said his response was that the crosswalk would never be approved right now, and that the volume of trips on the road is so low, even with The Regents School, that the project would not even be included in the category of basic sidewalk improvements.

Ms. Long continued that what the applicant thinks would make the difference is to have the area be designated as a school zone, which would require a reduction in the speed limit to 25 mph. She said that most significantly, the safety improvement work on Reservoir Road that the school is committing to construct at its expense, at a preliminary estimate of \$150,000, will benefit everyone who uses that road in the future. She said it will improve the sight distance to their crosswalk by an additional 12 feet in the eastbound direction by removing the vertical curve.

Ms. Long said the applicant was happy to work with University Montessori, noting that she had spoken with their Executive Director about adding more signage so that there is more notice that one is approaching the crosswalk when heading west. She said they currently have a sign, but it is directly on top of their crosswalk, and the applicant believed it will be more effective if it was moved so there is more advanced notice. She said that lighting the crosswalk was not something that VDOT recommended.

Mr. Randolph asked when Ms. Long asked VDOT about this, if she asked them about 280 students, or about full buildout with over 400 students.

Ms. Long replied that Mr. Moore was fully aware of what the full buildout request is because the applicant worked very closely with him and Mr. McDermott on the conditions of approval for the increased enrollment.

Ms. Palmer said this wasn't Regents' problem, but that everyone should know that the traffic on the road will likely increase. She said it was on the County's paving list and that the city has purchased more land for park land there. She said she suspected that the weekend traffic for recreational activities is going up and was not Regents' fault. She pointed out that this was coming soon and that the traffic would likely substantially increase.

Ms. Long said the safety improvements that Regents will pay for will benefit everyone who will be using that road in the future for various reasons.

Ms. Mallek said the last time she was at the reservoir, the green safety sign was in the middle of the public road. She said she did not know what process University Montessori went through to get permission to do this or if there was anything official about this. She said she was appreciative of the plans that would help the situation. She said that having to obtain permits for parades over many years, she was surprised to see that sign in the middle of the highway.

Ms. Long said this was the sign she was referring to that indicates the crosswalk.

Ms. Mallek agreed it would be too late to slow down there.

Ms. Long addressed Ms. Palmer's concerns about impacts resulting from renting the fields. She said the question was also asked at the Planning Commission meeting about renting the fields out during the summer, to which Ms. Palumbo had responded that they had not thought about the summer yet, as no one is currently there during the summer.

Ms. Long added that if there is a need and they have facilities, they want to share them with the community to support their activities, either for rent or perhaps no charge at all. She said the school has been the beneficiary of others sharing their resources and facilities with them over the years and if they are fortunate enough to have the application approved, they want to return the favor, especially given the dramatic shortage of field space and basketball court space in the community. She said there are students playing soccer until 8:30 pm in the dark at Darden Towe Park and that basketball teams are staying late at night. She stressed the demand and need and that the school would like to share their resources, if and when it is appropriate.

Ms. Palmer said she completely respected and understood this. She said her thoughts were to the limits on this and the impacts to the community. She said with the lighting next to the road, there is a residential section there. She said she would like to have some conditions that would outline what the impacts would be. She assured that she was not trying to keep the school from renting the fields out at all, but wanted the community to know that there is some kind of limit on this. She agreed there is a need, but pointed out there is a congested intersection, a residential area, and another school that has to be

concerned about it.

Ms. Long replied that the intent is for the school's facilities to be used during the weekdays, just for them. She said they want to have sports team such as soccer and field hockey to play on the field, with no plans for football or baseball. She said they want to be able to use the gym for basketball and volleyball. She said the applicant tried to look at the traffic impacts.

Ms. Palmer said that the traffic impacts were what she was after.

Ms. Long said that on the weekends, the traffic counts are substantially lower than they are during the week.

Ms. Palmer pointed out that this is not the case when UVA has events.

Ms. Mallek said this was not something that the applicant can control.

Ms. Long said that if the gym was rented out to VABA, for instance, on a Saturday, the question is what the impact would be if the peak hour weekday traffic is not happening and the weekend trips are so much lower. She said the applicant is happy to consider this. She said they looked at the conditions of approval that were put in place for the Field School, which talked about the ability to have occasional use after 5:00 or 6:00 pm during the week for community events, and then unlimited use on the weekends. She said "occasional" meant that the school wants to be able to have parent-teacher conference nights, school plays, after-school clubs, and planned after-care. She asked Ms. Palmer if she was more concerned about weekends.

Ms. Palmer said she was also concerned about evenings. She recalled when her kids were younger, she took them to events where fields or indoor courts were literally rented out to a different group all weekend long from 8:00 am until 7:00 pm. She said when her kids were at Western Albemarle, there were adult soccer groups that were not attending school there who were playing into the evening.

Ms. Long replied that SOCA rents the fields at Western, Henley, and other schools.

Ms. Palmer said she was trying to get an idea as to the use, or the user. She said there could be a situation where the field could be rented out a lot and that she was concerned about this.

Ms. Long asked if there was a particular concept Ms. Palmer had in mind in terms of a limit, or if she was comfortable with the language used for the Field School that referenced occasional use during the evenings and on weekends.

Ms. Palmer said she would allow the County Attorney to evaluate.

Ms. McKeel asked if there was a way to which they could limit the school renting out the field to outside use until the traffic at the intersection is fixed.

Mr. Herrick said that reasonable conditions can be imposed. He said he wasn't sure which specific condition Ms. Long was referring to, but Condition #4 for the Field School's Special use permit that was issued in 2014 is very specific in terms of times, the number of events, and the number of attendees. He said it is more than just a general limitation on occasional events but is quite specific in its language. He said the question is if this is equally appropriate to the Regents School application.

Ms. McKeel said there are different areas and different situations. She said the Field School is not located in an area where there is an intersection and traffic such as with the subject property.

Mr. Herrick again said that reasonable conditions can be imposed to address the impacts, but it was a question as to what the limit might be.

Ms. Mallek said she had a problem with the numbers. She said her granddaughters played basketball at Covenant School, which had off-street parking. She said Hickory Street is right there and people sometimes park parallel if they are attending a soccer game. She said she didn't know of any conditions that were put on them, explaining that she was concerned about fairness and consistency. She said this reminded her of the situation where they had 12 events at a winery, including their staff meetings, and that she didn't want to go back to this. She said they were discussing kids playing events.

Ms. McKeel said it would include adults as well.

Ms. Mallek agreed but said she didn't think the rental should be deemed as a negative factor. She said it was a place to play where people don't have one right now. She said she didn't see it as a money-making, commercial use for the property but that it would allow other people to use it. She expected that the rental would help cover maintaining the fields.

Ms. Palmer agreed that renting the field could help the school with operational costs, depending on what they would charge.

Mr. Dill asked what the worst-case scenario would be in renting the field.

Ms. Palmer replied that her concern was that the neighborhood will have a more commercial

operation happening on a regular basis in the area with the special use. She said once they provide a Special use permit, it goes with the land and property forever. She said they are putting in an athletic field that is in a residential area.

Mr. Dill pointed out it was development area.

Ms. Palmer agreed.

Ms. Mallek said the permit is for a school operation and is not for anything other than that.

Ms. Palmer said it may be development area, but it is residential currently, and they are providing a Special use permit for the school.

Ms. McKeel asked Ms. Palmer if she was not suggesting that the school couldn't have the field, but that she was questioning renting it to outside groups.

Ms. Palmer confirmed this and explained that she was not trying to limit the school from ever renting the fields. She said her concern was that this is happening from 8:00 am to 8:00 pm all summer, seven days a week, if this would result in continuous traffic flow to the area. She said one of the issues is that they don't know what the traffic issue will be there going forward and that there isn't much information. She expressed concern about the intersection and about Reservoir Road, as it is a residential area.

Ms. McKeel asked Ms. Palmer if she wanted the intersection to be upgraded first.

Ms. Palmer confirmed this. She pointed out that the area would be transforming dramatically.

Ms. McKeel agreed.

Ms. Palmer said this was known, but that it wasn't clear at this point how dramatically it would transform. She said she wanted to put some kind of limit on the amount of rental and was being told that it was very difficult to do this.

Mr. Herrick said that in terms of limiting it to specific users, it would be difficult. He explained that it would be more supportable to say that visits may be limited to a certain amount of traffic, but to say that certain users can or cannot use it is not as good of a restriction. He said the better restriction would be to limit it to a certain number of trips, number of people, etc. rather than specifying which people can and cannot be on the property at certain times.

Ms. Palmer asked if the neighborhood could be given a day off, such as Sunday, from the traffic impacts.

Mr. Herrick said that reasonable conditions could mitigate the expected impacts.

Ms. Mallek pointed out that they are not telling people not to hike at Ragged Mountain on Sundays and that this was far more trips on Reservoir Road than the school would have.

Ms. Palmer countered that this was a public park.

Ms. Mallek said that as far as impact, it is the same.

Ms. Palmer disagreed.

Ms. Mallek said that during the Planning Commission meeting, the UVA representative, Mr. Carrazana, made point about the fact that he considered the improvements at the bypass ramp more of a university impact than anything else contributing there. She expressed that this was refreshingly honest, as it was UVA's obligation from which they took on during the rezoning 5-7 years ago with their new building. She said she was glad to know that this was still in mind, and that the rector was saying the same thing that the university planned to live up to their obligations.

Ms. Mallek said she did not think it was fair to put that kind of restriction on use of the field during days of nice weather in the summertime. She said someone, in the future, would making an improvement to a property a mile away.

Ms. McKeel said they were talking about an intersection.

Ms. Palmer said she was talking about the neighborhood. She said they are doing a Special use permit for a school because a school is not designated to go there; it is residential. She acknowledged they may not rent out the field, but the problem was that they did not know and because of that, she was trying to get some kind of limit on it.

Ms. McKeel said the approvals follow the property.

Ms. Mallek asked for the conditions under which the permit would be operating, as this would clarify for her what the school would be taking on.

Ms. Long asked if she was referring to the conditions of approval.

Ms. Mallek replied yes.

Ms. Long said the first condition is that the applicant must build in general conformance with the conceptual plan, which essentially commits them to keeping all the school property to the area on the map shown in yellow while keeping all the green area preserved. She said it included all the things on the plan in terms of the location of the area that would be reserved, the school buffer area, and the 5-foot buffer from the preserved slopes. She said those were deemed essential elements of the conceptual plan with which the applicant would have to develop the project in general accord.

Ms. Long said other elements that are deemed essential are the location of the athletic field, noting that they are committing it will be there and not elsewhere.

Ms. Long said the second condition is the limitation on initial student enrollment to 280 students and that they can only go above that figure is to have an updated traffic study that demonstrates that any increase in enrollment will not create any adverse impacts on any of the intersections, primarily at the Fontaine/Bypass intersection as well at the Fontaine Extended/Reservoir Road intersection.

Ms. Long said there were very technical thresholds and that, as Mr. McDermott explained, the applicant must show that those increases in enrollment won't turn the intersection into a safety issue. She said if adding those students to enrollment causes the intersection to be added to the top 100 safety-challenged intersections by VDOT, they would not be able to increase their enrollment. She said that Mr. Padalino had called it a framework for increasing student enrollment, which is what the applicant wanted.

Ms. Long said currently, they would not have more than 280 students for the next few years, but they needed to know that they had a path forward and that there was at least the potential to increase enrollment, especially if UVA, VDOT, or someone comes through with funding to improve the intersection. She said its capacity could substantially increase, allowing 468 students to be acceptable.

Ms. Mallek asked if those same framework conditions also apply to summer use for fields. She asked if this was a logical connection.

Ms. Long replied that the condition is focused on student enrollment, so it would not necessarily be directly tied. She said the student enrollment was important because the pickup and drop-off occurs during the peak hours where the morning was a particularly challenging time. She noted that the weekend events would not happen during the peak hours, acknowledging there would be exceptions with UVA football games.

Ms. Palumbo pointed out something that might differentiate Regents from what is seen at Western Albemarle or Monticello High Schools. She said it was one gymnasium and one field, not five fields or a double-sized gymnasium, but one court. She said if anyone has a basketball game there, which would likely be the biggest use, there was more than adequate parking to accommodate it. She said she has attended many games and that one game would not be a problem, even if it was every hour, which it wouldn't be. She said the field is a soccer field, not a football field. She said that 12 players having a practice would involve 6 moms in a car once an hour.

Ms. Palumbo said she couldn't imagine that this wasn't well below the use of a residential development with cars always coming and going. She said it was beyond minimal. She said there was Trinity Church behind them that are doing things at many hours, such as Bible studies late at night and large community meetings. She said the school would not be doing this often at all and when they would, they have a great parking arrangement with the church.

Ms. Palumbo said she heard the Board's concern but that the school was good at policing its people. She said their athletic director will make sure that if the space is rented, the people using it will know and follow the rules and that they will not be allowed to use the space again if they don't. She said if they have one complaint, they will do something different. She said Regents has been in the community for 10 years and year after year, they have demonstrated to the community that they are capable of doing this.

Ms. Palmer said she was also concerned about the noise on the field. She said with basketball, this was not as important because it is contained in a building.

Ms. Palumbo countered that soccer is not very noisy because there is no band or a huge crowd. She said the school does not have a soccer team because it requires a bigger school to even have one. She said they are years away and not even near to having a soccer team yet, but that there were many people who need practice space and the school wants to be a blessing and a gift to the community. She said there were so many underprivileged kids not able to do things they want, and that even Trinity Church wishes they could do some of the things they would like to bless people. She said Regents want to do this, too.

Ms. Palumbo expressed that the Board would not find that the school is abusing the privilege or not being kind to its neighbors because it was not in its history or nature as a school.

Mr. Dill said he had envisioned Darden Towe Park, but Ms. Palumbo was only talking about one field.

Ms. Mallek pointed out that there are hundreds of houses around Darden Towe.

Mr. Gallaway said that while they were discussing the restriction of use and the student enrollment, they had given leeway to the Community Development Director to make a judgment call, expressing that there was perhaps something in the same kind of metrics that if traffic impacts reached a certain point due to rental uses, they could have it go to the CDD to make a call. He said that then, restrictions could be considered and put in place. He said this would allow the use to grow and if it still becomes a major impact, it would come back to the CDD and then restrictions could be worked out in terms of days and times.

Ms. Palmer asked if this was possible.

Ms. Mallek noted there was already a framework in place.

Mr. Herrick said there was a framework, but the only two triggers in which that judgment call would come into play are an enrollment of greater than 280 students, or a start time of other than 7:45 am. He said that changes from those two things are the only things that would trigger the traffic review and that there would need to be some additional trigger dealing with rental use before that analysis would come into play.

Ms. Mallek asked if more than 280 students a day on the property compatible because it is similar to numbers that the traffic analysis already deems to be acceptable.

Mr. Herrick replied that the way the Special use permit proposed conditions are currently written is that there is not a limit on rental use. He said it addresses the student enrollment and start time.

Ms. Mallek said she understood this, but that adding the extra component could use the same math that has already been approved by the traffic analysis. She said that rather than choosing a number, such as no more than 12 times a year, which she found to be completely unacceptable, they would have something that would have some basis in what has been studied.

Mr. Herrick explained that there would still need to be a trigger or base limit, beyond which they would then turn to the traffic analysis, just as currently there would be a certain student enrollment at which they turn to the traffic analysis.

Ms. Mallek said this was why she was proposing that 280 soccer players a day would be similar to the school operating, which might be a way to allow it.

Ms. Palmer expressed that she was not seeing a good way to solve this. She said there were things that she did not like about the proposal, but that she would trust the applicant at this point. She said she wants everything contained on the site.

Ms. Palmer made a final point about the proposal. She said the Board first saw the application in August 2018, but it went away for a while. She said some people asked to be notified when it came back, and one of her concerns was that this hasn't happened and that they will have some residents that don't know that this is going on and would have appreciated speaking out at it.

Ms. Palmer said she was trying to get some type of limits on the project in case it does get out of hand for the sake of the residents of the area. She expressed that they had not had a good chance to come out and voice their opinions, as it was over a year that it was last brought up before being tabled for a while. She said this was her concern, as she was representing the people of the neighborhood who may have wanted to comment on it.

Ms. Mallek asked if there was some fault in the advertising or outreach in any way.

Ms. Palmer replied there was some fault in that people had been asked to be notified, and it slipped. She said this was all she could say. She said there were people in the audience who could speak to this, but that she didn't know if this was something the Board wanted to do at that point.

Ms. Mallek said this concern has come up in the past, but that the advertisements were adequate as far as the legal requirements.

Mr. Herrick replied that his understanding in this case was that the initial glitch in the advertising was corrected, and that all the advertising requirements had been complied with for the application.

Mr. Benish said the community notice covers a larger area, but the requirement for the public hearing is the abutting owners. He said that with the request for contacts that came from the community meeting, the courtesy contacts were apparently not made.

Ms. Mallek said that this had happened with Piney Mountain as well, but that they still proceeded with the process as this is what was required by law.

Mr. Gallaway asked, in staying focused on the main concern, if there was something that staff could recommend for how to deal with the rental use.

Mr. Benish replied that he did not think the structure of the condition regarding the traffic study is structured in a way that allow the rental use to be interpolated by the CDD for athletic activities. He said it would have to be restructured and, as Mr. Herrick indicated, the thresholds are different and would have to be defined differently. He said the current thresholds are based on AM peak hours, and what the Board was talking about were activities that are likely not AM peak hours. He said it would not conveniently work to use those numbers as the proxy, the way it is structured.

Ms. Mallek pointed out that the impacts would be lower if the activities were not during AM peak hours.

Mr. Benish agreed, but said that to use this as the actual mechanism for the CDD, it doesn't relate to the issue they were looking at.

Mr. Gallaway said the Board would have to proceed to a motion without the rental use being addressed and vote accordingly.

Ms. Palmer said she would vote for the project, assuming that Ms. Palumbo would work very carefully with the neighbors. She suggested sending out a letter to the neighbors, since they were not informed, and that perhaps Ms. Palumbo could hold her own community meeting with them. She said that if the space is rented, noise and lighting from the field right onto the side of the road will change a lot of the neighbors' experience there. She said she felt confident that Ms. Palumbo did not want that to happen, but that she was very concerned about it.

Ms. Palmer asked if there needed to be two motions.

Mr. Herrick replied there would need to be a second motion if the Board adopts the Special use permit, in which case they would need to make a separate motion on the special exception for lighting. He said Attachment G is the resolution for the Special use permit.

Ms. Palmer **moved** that the Board adopt the Resolution (Attachment G) to approve the Special use permit for SP201800011 The Regents School – Reservoir Road. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, and Ms. McKeel.

NAYS: None

Ms. Palmer **moved** that the Board approve the Resolution (Attachment H) to approve the special exception for the athletic field lighting. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, and Ms. McKeel.

NAYS: None

**RESOLUTION TO APPROVE
SP 2018-11 THE REGENTS SCHOOL OF
CHARLOTTESVILLE – RESERVOIR ROAD**

WHEREAS, the Regents School of Charlottesville submitted an application for a special use permit to construct and operate a private school on Tax Parcels 07600-00-00-01700 and 07500-00-00-06600, located on Reservoir Road, with an initial maximum enrollment of 280 students, and potential future maximum enrollment of 468 students, and the application is identified as SP201800011 The Regents School of Charlottesville – Reservoir Road ("SP 2018-11"); and

WHEREAS, on September 3, 2019, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2018-11 with staff-recommended conditions, as well as minor technical revisions and clarifications to Condition #2 (now Condition #3) regarding potential future increase(s) to student enrollment in excess of 280 students up to a maximum of 468 students and/or a school start time later than 7:45 a.m.; and

WHEREAS, on September 18, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2018-11.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2018-11 and all of its attachments, the information presented at the public hearing, any written comments received, and the factors relevant to a special use permit in Albemarle County Code §§ 18-1.4, 18-1.5, 18-13.1, 18-13.2.2.5, 18-30.7.1, 18-33.39, and 18-33.40, the Albemarle County Board of Supervisors hereby approves SP 2018-11, subject to the conditions attached hereto.

* * *

**SP-2018-11 The Regents School of Charlottesville – Reservoir Road
Special use permit Conditions**

1. Development of the subject property shall be in general accord with the concept plan entitled “Special use permit Concept Plan and Engineering Study for Regents School of Charlottesville” prepared by Justin Shimp, P.E. of Shimp Engineering, dated July 16, 2018 and revised August 23, 2019, which includes sheets C1 – C6 (the “Concept Plan”), attached hereto, as determined by the Director of Planning and Zoning Administrator. To be in general accord with the Concept Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Concept Plan:
 - a. the location of the “School Facilities Area,” “School Recreation Area,” and other major school improvements within the 13.12-acre area designated “School Campus Site” on Sheet C3;
 - b. the location of the “Lighted Ball Field” within the “School Recreation Area” on Sheet C3;
 - c. the location and configuration of 5.99-acre area designated “Undeveloped Residue” on Sheet C3;
 - d. the land use chart on Sheets C4 and C5 specifying “Prohibited Uses” and “Permitted Uses” for each different “Land Use” area;

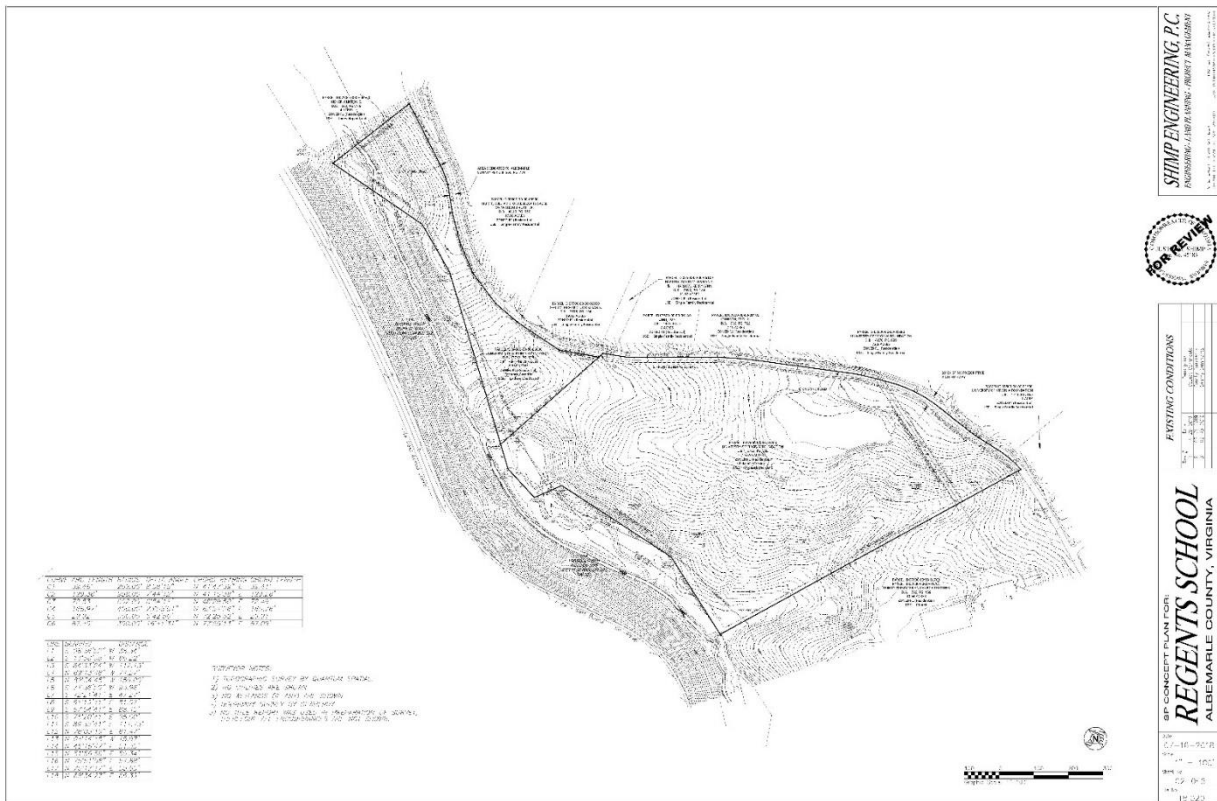
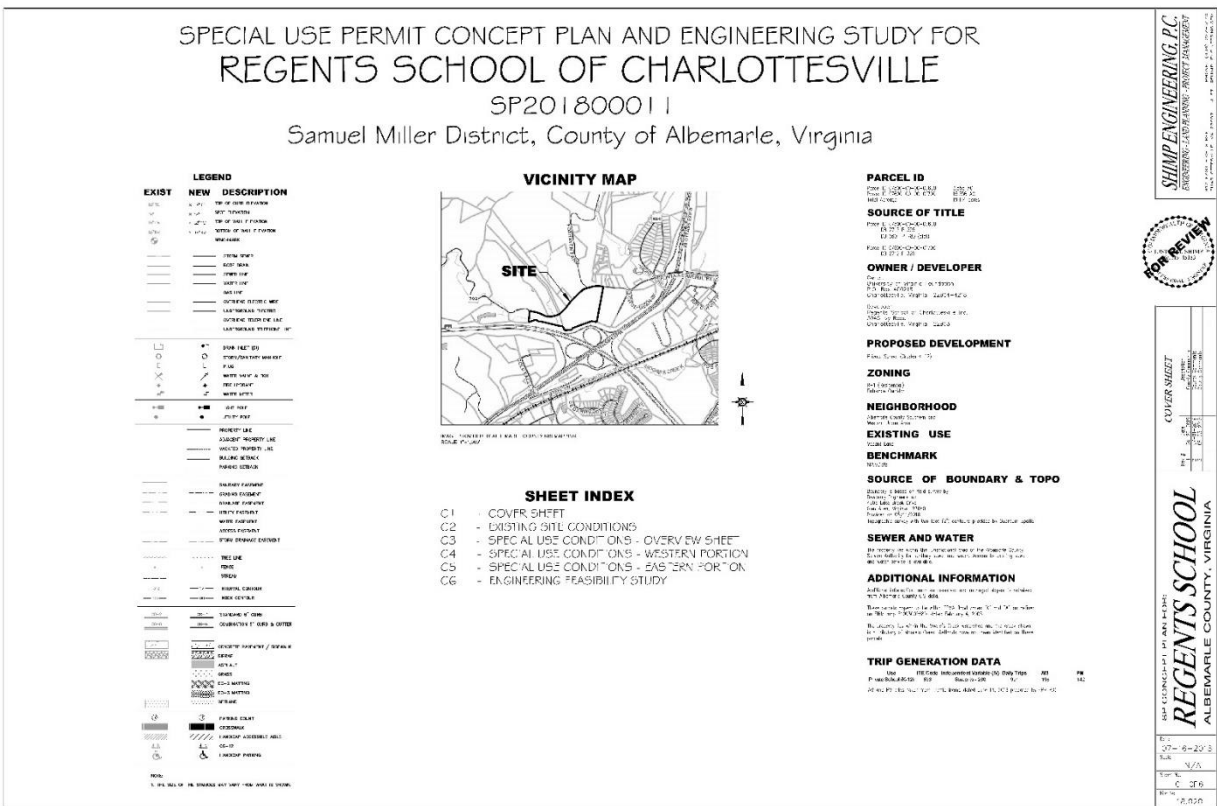
Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

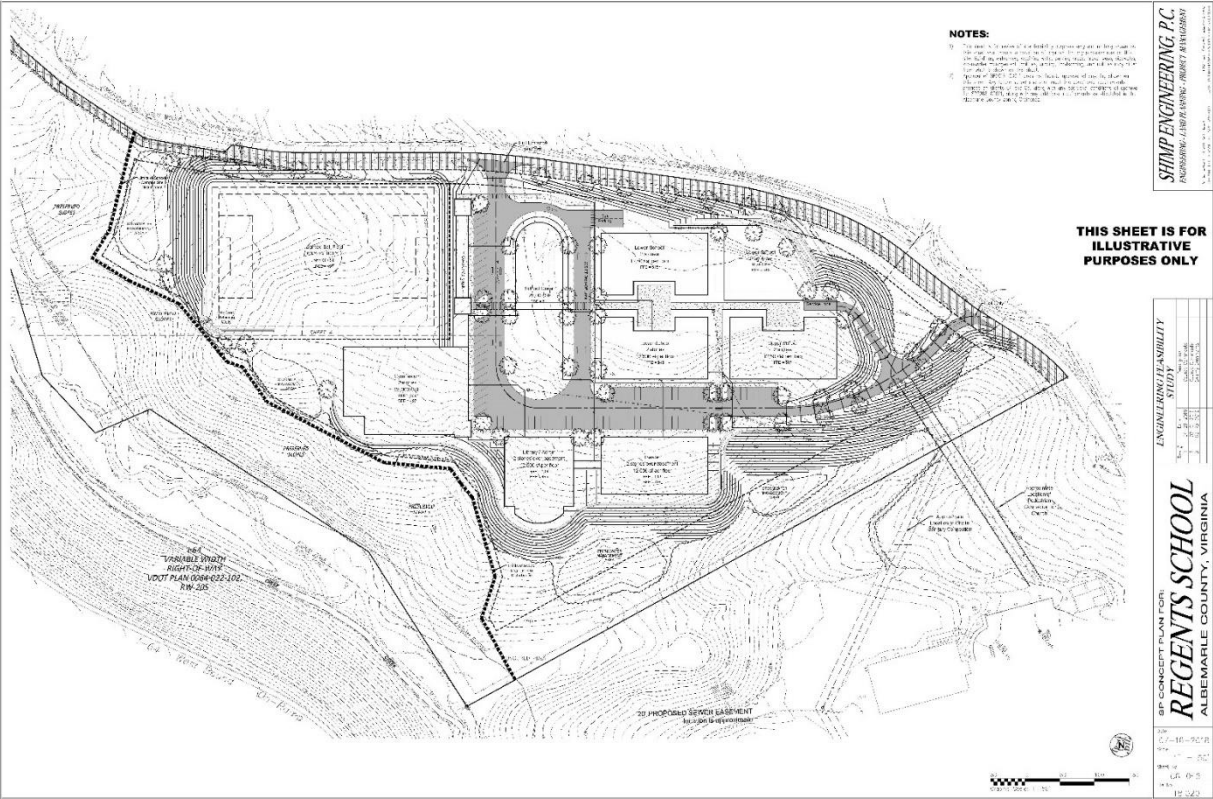
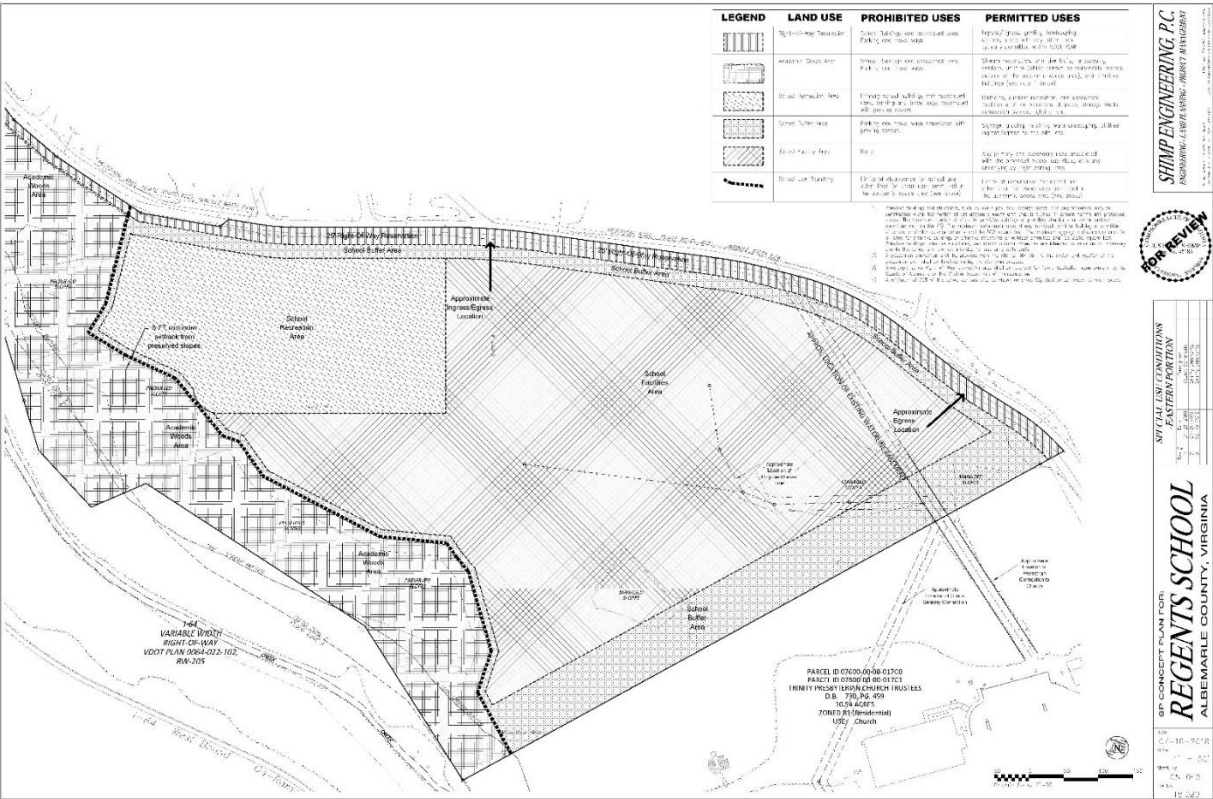
2. Except as otherwise provided herein, initial student enrollment shall be limited to 280 students, and the start time of the school shall be no later than 7:45 A.M.
3. Notwithstanding Condition 2, student enrollment may exceed 280 students up to a maximum of 468 students and/or the start time may be shifted to a time later than 7:45 A.M. (together, “operational changes”), if at the time of any such proposed operational changes the applicant submits a formal request that includes a Traffic Impact Assessment (TIA) which demonstrates the following to the satisfaction of the Director of Community Development and his/her designees:
 - a. The proposed operational changes would not result in any movements with a delay greater than 50 seconds; and
 - b. The proposed operational changes would not result in any movements with a delay greater than 35 seconds, unless it will have a delay greater than 35 seconds in the future no-build, provided that if the future no-build shows a delay greater than 35 seconds the future build cannot increase by more than 10 seconds; and
 - c. The proposed operational changes would not result in any movements increasing by more than 15 seconds between the future build and no build conditions; and
 - d. Operations at the US 29 Bypass interchange at Fontaine Avenue Extended may not result in it being placed on the VDOT Top 100 Potential for Safety Improvement (PSI) locations for intersections or segments.

For the purposes of this Condition:

- e. The Traffic Impact Assessment (TIA) dated October 12, 2018 and associated supplemental TIA’s submitted with SP201800011 may be used for baseline traffic data until August 2021. If any request for any such proposed operational change(s) is made any time after August 2021, a new TIA and traffic counts will be required to establish a new baseline.
 - f. The scope of any such new TIA and traffic counts prepared in conjunction with a formal request for any such proposed operational change(s) must be determined in consultation with the Director of Community Development’s designee(s), and must include the following intersections: the southbound exit ramp of US 29 Bypass at the Fontaine Avenue Extended interchange; the northbound exit ramp of US 29 Bypass at the Fontaine Avenue Extended interchange; and the intersection of Fontaine Avenue Extended and Reservoir Road.
 - g. The identification of “future build conditions” and “future no-build conditions” in any such new TIA and traffic counts will be based on the following:
 - i. “Future no-build conditions” will include the traffic generated by the private school use at a student enrollment of 280 and other nearby developments, as determined through the TIA scoping process; and
 - ii. “Future build conditions” will only include the traffic generated by the proposed increase in number of students over the number of vehicle trips associated with the private school use at a student enrollment of 280 and the traffic generated by any other operational changes;
 - h. Proposed operational changes which do not conform with and adhere to the conditions listed above would require the submittal of an application for a special use permit amendment and approval by the Board of Supervisors.
4. The applicant must plan, fund, and complete the transportation improvements to Reservoir Road shown on the special use permit application materials titled “Reservoir Road Survey for Regents School,” prepared by Justin M. Shimp, P.E. of Shimp Engineering, dated July 1, 2019, prior to the issuance of a Certificate of Occupancy. The proposed improvements are subject to

5. If the use, structure or activity authorized by this special use permit does not commence within a period of five years after the date of approval, the special use permit shall be deemed abandoned and the authority granted hereunder shall terminate. For the purposes of this condition, the term “commence” means starting the lawful physical construction of any structure shown on the Conceptual Plan referenced in Condition 1 above, and this construction shall commence by September 18, 2024.





**RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR
SP 18-11 THE REGENTS SCHOOL OF CHARLOTTESVILLE – RESERVOIR ROAD**

WHEREAS, the Applicant filed a request in conjunction with SP 2018-11 for a special exception to modify the maximum allowable height of the light poles as required in County Code § 18-13.3 to be increased from 35 feet to 70 feet for a proposed lighted ball field at the proposed school.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared in conjunction with the application and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-4.17.5, 18-33.43, and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception as set forth above, subject to the conditions attached hereto.

**SDP 2018-11 The Regents School of Charlottesville – Reservoir Road
Special Exception Conditions**

1. The maximum permissible height of the poles supporting outdoor luminaries at The Regents School of Charlottesville's athletic field is 70 feet.
2. Outdoor lighting of The Regents School of Charlottesville's athletic field shall not continue past 10:00 p.m.

Agenda Item No. 19. **Public Hearing – 19-03(2) – Agricultural and Forestal Districts.**

Ordinance to amend County Code Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, to add lands to certain districts, to make corrections to certain district regulations to identify all those tax map parcels with the districts, and to review certain districts, as specified below:

- a) **AFD 2018-01 Carters Bridge AFD – District Review.** The proposed ordinance would amend Section 3-211, Carters Bridge Agricultural and Forestal District, to continue the district for all parcels identified in the district regulations, to set the next district review deadline date of September 18, 2024, to correct a reference of TMP 101-55 to TMP 101-55A (this parcel was referenced incorrectly in Ordinance 17-03(1), adopted on December 13, 2017) and to correct a reference of TMP 114-17I(part) to TMP 114-67I(part) (this parcel was referenced incorrectly when Ordinance 12-3(2), adopted on December 5, 2012, was codified), and to remove TMPs 113-11A, 113-11G, 113-11G1, 113-11G2, 113-11G3, 114-51, 114-55, 114-56, 114-67G, 114-67H, 114-67H1, 114-68, 114-69, 114-70, 115-10, 122-36, 124-11, and 130-19B, as well as any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance. The review of the district will be reduced from once every ten years to once every five years, so that the next review of the district after the current review will occur prior to September 18, 2024; and
- b) **AFD 2018-02 Lanark AFD – District Review.** The proposed ordinance would amend Section 3-225, Lanark Agricultural and Forestal District, to continue the district for all parcels identified in the district regulations, to set the next district review deadline date of September 18, 2029, to identify TMPs 92-64, 92-64A, and 92-64C as being in the district (these parcels were inadvertently omitted from the district in Ordinance 17-03(1), adopted on December 13, 2017), to identify TMP 103-1H1 as no longer being in the district (land from this parcel was added to another parcel in the district), and to remove TMPs 90B-A11, 91-21, 91-21A, 91-31, 92-64, 92-64A, 102-37, 102-40, 102-40B, and 102-40C, as well as any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance; and
- c) **AFD 2018-03 Panorama AFD – District Review.** The proposed ordinance would amend Section 3-228, Panorama Agricultural and Forestal District, to continue the district for all parcels identified in the district regulations, to set the next district review deadline date of September 18, 2029, and to remove TMP 31-21E, as well as any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance; and
- d) **AFD 2019-01 Jacob's Run AFD – Addition.** The proposed ordinance would amend Section 3-222, Jacob's Run Agricultural and Forestal District, to add TMP 31-44G2 to the district; and
- e) **AFD 2019-02 Moorman's River AFD – Addition.** The proposed ordinance would amend Section 3-226, Moorman's River Agricultural and Forestal District, to identify TMP 43-24 as no longer existing, and to show TMPs 43-24A, 43-24B, and 43-24C as being in the district (land from TMP 43-24 was distributed to TMPs 43-24A, 43-24B, and 43-24C as a result of a parcel determination), and to add TMPs 60-2A1 and 60-2A2 to the district; and
- f) **AFD 2019-10 Free Union AFD – District Review.** The proposed ordinance would amend Section 3-215, Free Union Agricultural and Forestal District, to continue the district for all parcels identified in the district regulations, to set the next district review deadline date of September 18, 2024, and to remove TMP 17-8B, as well as any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance. The review of the district will be reduced from once every ten years to once every five years, so that the next review of the district after the current review will occur prior to September 18, 2024.

A condition to continuation of the districts under review is that the Board of Supervisors may modify the district during its next review by removing parcels with no development rights that cannot be further divided to create one or more parcels less than 21 acres in size, but which qualify for open-space use valuation because of their being in the district. (*Advertised in the Daily Progress on September 2 and September 9, 2019*)

The Executive Summary forwarded to the Board states that localities are enabled to establish agricultural and forestal districts (AFDs) under the Agricultural and Forestal Districts Act (Virginia Code § 15.2-4300 et seq.). AFDs serve two primary purposes: (1) to conserve and protect agricultural and forestal lands; and (2) to develop and improve agricultural and forestal lands. Land within an AFD is prohibited from being developed to a more intensive use, other than a use resulting in more intensive agricultural or forestal production, without prior Board approval. In addition, the County is prohibited from exercising its zoning power in a way that would unreasonably restrict or regulate farm structures or farming and forestry practices in contravention of the Agricultural and Forestal Districts Act unless those restrictions or regulations bear a direct relationship to public health and safety (Virginia Code § 15.2-4312).

Additions A landowner may petition to add their land to an AFD at any time (Virginia Code § 15.2-4310).

Virginia Code §§ 15.2-4307 and 15.2-4309 require that the Board conduct a public hearing on proposed additions to AFDs, and that these actions be reviewed by both the Agricultural and Forestal District Advisory Committee and the Planning Commission for their recommendations. The Advisory Committee and the Planning Commission reviewed the following requests and recommend approval of the proposed additions. The August 20, 2019 staff report to the Planning Commission is attached (Attachment B).

Jacob's Run AFD The Jacob's Run AFD is located around Earlysville. One landowner submitted a request to add one parcel (TMP 31-44G2) consisting of 24.3 acres to the District.

Moorman's River AFD The Moorman's River AFD is located north of Ivy and south of Free Union. One landowner submitted a request to add two parcels (TMPs 60-2A1 and 60-2A2) consisting of a total of 155.42 acres to the District.

District Reviews Virginia Code § 15.2-4311 requires the periodic review of AFDs to determine whether they should continue, be modified, or be terminated, unless the Board determines that review is unnecessary. During the review process, land within the District may be withdrawn at the owner's request by filing a written notice with the Board any time before the Board acts on the review. The Board has set a 10-year review period for all AFDs of statewide significance in the County and an eight-year review period for the sole AFD of local significance in the County. In addition, Virginia Code § 15.2-4311 requires that the Board conduct a public hearing on AFD reviews, and that they also be reviewed by both the Agricultural and Forestal District Advisory Committee and the Planning Commission for their recommendations. The Advisory Committee and the Planning Commission reviewed the following requests and recommend renewal of the Carters Bridge and Free Union AFDs for five years, and the Lanark and Panorama AFDs for ten years. The August 20, 2019 staff report to the Planning Commission is attached (Attachment C).

Carters Bridge AFD The Carters Bridge AFD is generally located between Keene and Woodbridge, and is undergoing its periodic 10-year review. Five landowners submitted requests to withdraw a total of 18 parcels (TMPs 113-11A, 113-11G, 113-11G1, 113-11G2, 113-11G3, 114-51, 114-55, 114-56, 114-67G, 114-67H, 114-67H1, 114-68, 114-69, 114-70, 115-10, 122-36, 124-11, and 130-19B) consisting of a total of 2,821 acres from the District.

Lanark AFD The Lanark AFD is generally located south of Simeon, on either side of the James Monroe Parkway and Carter Mountain Road, and is undergoing its periodic 10-year review. Three landowners submitted requests to withdraw a total of 10 parcels (TMPs 90B-A11, 91-21, 91-21A, 91-31, 92-64, 92-64A, 102-37, 102-40, 102-40B, and 102-40C) consisting of a total of 3,119 acres from the District.

Panorama AFD The Panorama AFD is generally located north of Woodlands Road, along the South Fork Rivanna Reservoir, and is undergoing its periodic 10-year review. One landowner submitted a request to withdraw one parcel (TMP 31-21E) consisting of 7.12 acres from the District.

Free Union AFD The Free Union AFD is generally located in northwestern Albemarle, in the vicinity of Fox Mountain Trail, Wesley Chapel Road, and Chapel Spring Lane, and is undergoing its periodic 10-year review. One landowner submitted a request to withdraw one parcel (TMP 17-8B) consisting of 24.78 acres from the District subsequent to the August 20 Planning Commission meeting.

Jacob's Run AFD The Jacob's Run AFD contains 1,011 acres, and is a mix of hardwood forest and open land. The parcel under consideration for addition, TMP 31-44G2, is located at 4658 Advance Mills Road, and includes one dwelling. The proposed addition of this parcel, consisting of 24.3 acres, would increase the total number of acres in the Jacob's Run District to 1,035.3. Adding this parcel, which is largely open, with some wooded areas, will help protect forest and productive farmland. The Jacob's Run AFD is scheduled for review in December, 2019.

Moorman's River AFD The Moorman's River AFD contains 10,800 acres and includes open grazing land and hardwood forests. The parcels under consideration for addition, TMPs 60-2A1 and 60-2A2, are located at 1575 and 1585 Ingleridge Farm, and include a total of four dwellings. The proposed addition of these two parcels, consisting of 155.42 acres, would increase the total number of acres in the Moorman's River District to 10,955.42. Adding these parcels, which are largely open, with wooded critical slopes along Ivy Creek at the north end, will help protect forest and productive farmland, and will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, and wildlife habitat. The Moorman's River AFD is scheduled for review in November, 2024.

The Carters Bridge AFD, which was created in 1988 and currently includes 89 parcels and 8,910 acres, includes pasture land, hardwood forest, and pine plantations. There are currently 20 parcels in the District under conservation easement, and 5,106 acres are being taxed at use value rates for agricultural, forestal, or open-space use. There are 64 dwellings in the District. Conservation of this area will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, mountain resources, critical slopes, and wildlife habitat.

The Lanark AFD, which was created in 1999 and currently includes 53 parcels and 6,403 acres, includes pasture land, hardwood forest, and pine plantations. There are currently 24 parcels in the District under conservation easement, and 3,449 acres are being taxed at use value rates for agricultural, forestal, or open space use. There are 76 dwellings in the District. Conservation of this area will help maintain the environmental integrity of the County and aid in the protection of ground and surface water,

agricultural soils, mountain resources, critical slopes, and wildlife habitat.

The Panorama AFD, which was created in 1988 and currently includes nine parcels and 272.9 acres, primarily consists of open land. There are currently eight parcels in the District under conservation easement, and no parcels are being taxed at use value rates. There are ten dwellings in the District. Conservation of this area will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, mountain resources, critical slopes, and wildlife habitat.

The Free Union AFD, which was created in 1988 and currently includes 36 parcels and 1,508 acres, primarily consists of hardwood forest, with some open land. There are currently eight parcels in the District under conservation easement, and 699 acres are being taxed at use value rates for agricultural, forestal, or open space use. There are 30 dwellings in the District. Conservation of this area will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, mountain resources, critical slopes, and wildlife habitat.

There is no budget impact.

After conducting public hearings on the proposed AFD additions and the proposed AFD reviews, which may be held together as one public hearing, staff recommends that the Board adopt the attached ordinance to approve the additions to the Jacob's Run and Moorman's River AFDs and to continue the Carters Bridge, Lanark, Panorama, and Free Union AFD.

Mr. Scott Clark, Senior Planner, presented. He said there were six Agricultural and Forest District (AFD) items – four district reviews, and two addition applications.

Mr. Clark reminded the Board that in 2018, it had directed staff to implement a plan to renew districts for a five-year period, rather than for a ten-year period, in cases where those districts contain parcels that were in the Open Space land use tax category and that had no development rights. He said this time, when the renewals are done, those districts will be set up for a five-year review and those parcels may be removed at the end of that five-year review. He pointed out that no parcels were being removed during the current review, but that they were setting up the review periods to allow for this the next time around.

Ms. Palmer said that one of her problems with this was that some people have made their divisions while in the district and have followed all the rules of the County, and now that they have divided their lots and no longer have the development lot, the County is considering removing them in five years. She asked if there was ever a distinction made between people who followed all the rules and made their divisions while in the AFD, and those who entered the AFD as a 21-acre.

Mr. Clark replied that he did not recall the Board ever coming to a consensus on this. He said in the presentation, he would point out notable cases when there were 21-acre parcels created while within the AFD without development rights from land that was already in the district. He said they could continue to point those out to the Board as they go through the reviews, but that he didn't believe there was ever a consensus decision on whether those would be removed or not. He said the decision was up to the Board five years from now.

Ms. Palmer expressed that it was a shame, as there are people who are haying rather than being in open space in the hopes that they will be able to stay in. She said this would now be changing in the Samuel Miller District and AFD where people will be inclined to go with hay instead of putting in wildflower fields.

Mr. Clark said he had heard from that same person.

Ms. Palmer said it bothered her that they were not giving anyone predictability in this. She said the Board voted and that she had lost the vote, and if someone goes in on 21 acres, they can't be in open space anymore. She expressed that without making the distinction she asked about, it would be wrong of the Board not to provide predictability for people who followed all the rules and did their divisions while they were in the AFD, and that how they will be kicked out.

Mr. Clark said that the way the recommended action was set up, all the parcels in the Open Space category that do not have any development rights would receive the same notification. He said to change this, staff would need the Board to tell them to do it differently. He said when the Board takes their action, if they want the action to be different or for staff to notify only a subset of those parcels to potentially be removed, the Board should let staff know this and they can act accordingly.

Mr. Peter Lynch, County Assessor, explained that so far, those parcels have been included that were subdivided while in the district as part of the parcels included in the notifications. He said he knew that at least one so far that has been included has already switched from open space to agricultural use.

Ms. Mallek said this means they are actually complying with the land use.

Mr. Lynch said they already remedied that.

Ms. Palmer said the one she was thinking about that did this was complying with open space. She said they were doing an excellent job putting in a pollinator field, had gotten a consultant, and made a large investment in it. She said they are now haying, which is now worse than what they were doing.

Ms. Mallek said she has been working for years to expand the ways that they can get stewardship obligations for those things there, such as soil and water programs and other ways in which people should be able to qualify that other counties are using. She said she agreed with Ms. Palmer on this, but that she did not agree with allowing people to have access to land use that don't deserve it.

Ms. Palmer said this doesn't solve the problem for the people who followed all the rules and did everything right. She said this was her issue and she would like to make the distinction because if people made their divisions and did everything they were told, they should not be kicked out.

Ms. Mallek said that this would guarantee them land use forever.

Ms. Palmer suggested grandfathering them in.

Mr. Clark presented AFD 2018-01 Carters Bridge AFD – District Review. He said it was one of the County's older districts that was created in 1988. He said it is currently 8,910 acres. He said by-right withdrawal is a part of the periodic reviews of the districts and unfortunately, this number was seeing a large number of withdrawals, with 18 parcels and 2,800 acre, almost 32% of the land, in the district will be withdrawn as part of the review. He said this was a by-right withdrawal and was not something on which the County could make a judgment call. He said with the voluntarily districts, they are always subject to people's choice to withdraw.

Mr. Clark said that to the category of appropriate review periods for each of the districts, he would indicate, given the Board's standard, whether it should be a five-year or ten-year renewal. He said for the Carters Bridge AFD, it was a district that should be renewed for five years because there are six parcels in the district that are in the Open Space tax category and that have zero development rights. He pointed out that of those six, five of them were created as by-right legal divisions in land that was already enrolled in the AFD.

Mr. Clark said these were not people who had a 21-acre parcel that was undevelopable that were added to the district but rather, people who owned larger parcels that were in the district for a period of time and then did the kind of subdivision they are allowed to do while in the districts. He said this returned to Ms. Palmer's question of what will be done about those parcels five years from then.

Ms. Mallek said those were not family divisions but were regular subdivisions.

Mr. Clark replied that one does not need to do a family division for a 21-acre lot. He explained that family divisions are only needed to use development rights for sub-21-acre lots.

Ms. Palmer said the County allowed the people to do this, and when they did it, they were not told they would be kicked out of the AFD if they did it.

Mr. Clark said that 21-acre subdivisions have always been permitted within the districts, as with family divisions, but not other small-lot divisions.

Mr. Clark said the committee and the commission have both voted to support renewal of the district for the five-year period, with the necessary withdrawals.

Mr. Clark presented AFD 2018-02 Lanark AFD – District Review. He said the Lanark AFD was currently 6,403 acres and was an older district started in 1988. He said this district also, unfortunately, has seen a large number of withdrawals that reduced the district by over 3,000 acres, or over 48% of its land area being removed. He indicated to the parcels on a map.

Ms. Palmer asked if the UVA Foundation parcels since they are going into conservation easements are getting withdrawn.

Mr. Clark replied that he couldn't speak exactly for UVA Foundation's plans but in general, his understanding was that for the Morven property, they were looking at the accommodation of their academic institutional uses and conservation options.

Ms. Palmer added they are looking at a conference center and many other things.

Mr. Clark said that the parcel numbers for the land in this district have changed. He said they had a development rights determination done, and the boundaries shifted around, with new parcels being created or recognized and renumbered. He said the Foundation was concerned that they would have some land that would be missed in the review.

Mr. Clark said the only thing that was relevant were the old parcel numbers because they are taking numbers out of the ordinance. He said the new parcel numbers that were created in the parcel determination in 2019 have never been listed in the ordinance or have been considered as technically being in the district. He said when the old numbers are taken out, this would remove their land from the district.

Ms. Palmer asked if there was some significance behind this.

Mr. Clark replied it was a technicality.

Ms. Mallek said it was a 10-year project.

Mr. Clark replied yes, stating that the Lanark AFD could be up for a 10-year review because all of the Open Space tax parcels have development rights and the committee and commission have recommended as such.

Mr. Clark presented AFD 2018-03 Panorama AFD – District Review. He said there was one withdrawn and that, understandably, it was an isolated parcel that was left behind after some previous withdrawals that decided to come out. He said otherwise, everything else was staying in and there are no parcels in the Open Space tax category in this district. He said most of the land was under conservation easement. He stated that Panorama AFD can be up for a 10-year renewal and has been supported by the committee and the commission.

Mr. Clark presented AFD 2019-10 Free Union AFD – District Review. He said this district consisted of 1,500 acres. He said there was only one withdrawal of about 24 acres. He said out of all the parcels in the district and the ones in the Open Space tax category, there is exactly one that has no development rights and is in the Open Space tax category. He explained that because of this, it would be up for a 5-year renewal. He said the committee and commission have recommend approval for 5 years, minus the withdrawal.

Ms. Palmer asked if this property went in as a 24.8 property, or if it went in as a larger property.

Mr. Clark asked if she meant the one that was withdrawing.

Ms. Palmer replied she meant the one that there was a 5-year renewal on.

Mr. Clark indicated to the property Ms. Palmer was referring to on the table, noting that this parcel was added in the past several years as an already-developed parcel.

Mr. Clark said that in addition to the four reviews, there were two addition applications. He said both additions have development potential and qualify to be added. He said they have been recommended for approval by the committee and the commission.

Mr. Clark said that AFD 2019-01 Jacob's Run AFD Addition was for 24.3 acres, all of which has important soils. He said AFD 2019-02 Moorman's River AFD Addition is over 150 acres, with 128 acres of important soils. He said the acreage contained important slopes on Ivy Creek, making it an ecologically important property, and that it also had scenic aspects along Garth Road. He reiterated that both additions have been recommended for approval.

Ms. Mallek asked if it was just west of Sugarday farm, before going up to Ingleside.

Mr. Clark replied that it was directly across from Colthurst Drive.

Ms. Palmer asked if these could be put in because they have important soils.

Mr. Clark replied that they have important soils and other natural resources that are worth protecting. He said both the AFD Committee and Planning Commission have seen the reviews in more detail and with more discussion about the resources on the site and have recommended them for approval.

Ms. Palmer said that when parcels are taken out that are Open Space, they were put there in the first place because of important soils, which is the objective of an AFD.

Mr. Clark said that the Davis property had important soils on it and was more significant than a 21-acre house lot that happened to have some good soils on it. He said it was a very nice property to have coming under protection and was appreciated.

Mr. Clark said the Board had the ordinance with the attached changes in their reports. He said staff's recommendation is for the Board to adopt the ordinance dated August 26 to approve the additions to Jacob's Run and Moorman's River and to continue the four districts with the reviews that were covered.

Mr. Gallaway opened the public hearing. Hearing no comments from the public, he closed the public hearing and brought the matter back before the Board.

Ms. Mallek **moved** that the Board adopt the Ordinance dated August 26 amending Chapter 3 in the code, additions to Jacob's Run and Moorman's River, and to continue Carters Bridge, Free Union, Panorama, and Lanark for five years.

The motion was **seconded** by Mr. Randolph. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, and Ms. McKeel.

NAYS: Ms. Palmer.

ORDINANCE NO. 19-3(2)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

Sec. 3-211	Carters Bridge Agricultural and Forestal District
Sec. 3-215	Free Union Agricultural and Forestal District
Sec. 3-222	Jacob's Run Agricultural and Forestal District
Sec. 3-225	Lanark Agricultural and Forestal District
Sec. 3-226	Moorman's River Agricultural and Forestal District
Sec. 3-228	Panorama Agricultural and Forestal District

CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS

ARTICLE II. DISTRICTS OF STATEWIDE SIGNIFICANCE

DIVISION 2. DISTRICTS

Sec. 3-211 Carter's Bridge Agricultural and Forestal District.

The district known as the "Carter's Bridge Agricultural and Forestal District" was created and continues as follows:

- A. *Date created.* The district was created on April 20, 1988.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 101: parcels 55A, 60.
 - 2. Tax map 102: parcels 17A, 17B, 17B1, 17C, 17D, 18, 19, 19A, 19C, 20B.
 - 3. Tax map 111: parcel 48.
 - 4. Tax map 112: parcels 1, 3, 15, 15A, 16E, 16E1, 16E2, 16F2, 16J, 16K, 18H, 19E, 19F, 20, 21, 33A, 37D.
 - 5. Tax map 113: parcels 1, 1A, 6A, 11F, 11F1, 11F2, 11F3, 11H, 11I, 11J, 11K.
 - 6. Tax map 114: parcels 2, 25A, 30, 31B, 31C, 31D, 57, 57C, 57D, 67C, 67D, 67E, 67F, 67I(part).
 - 7. Tax map 122: parcels 4, 4A, 6, 7, 8, 9, 10, 12, 12D, 12E, 12N, 18, 18D, 33, 33A.
 - 8. Tax map 123: parcel 13B.
- C. *Review.* The district is reviewed once every five years and will next be reviewed prior to September 18, 2024.

(Code 1988, § 2.1-4(j); § 3-210, Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(2), 2-10-99; Ord. 99-3(4), 5-12-99; Ord. 08-3(1), 7-9-08; Ord. 09-3(4), 12-2-09; Ord. 12-3(2), 12-5-12; Ord. 15-3(1), 12-2-15; Ord. 16-3(1), 10-5-16; § 3-211, Ord. 18-3(1), 11-7-18; Ord 19-3(2), 9-18-19)

Sec. 3-215 Free Union Agricultural and Forestal District.

The district known as the "Free Union Agricultural and Forestal District" was created and continues as follows:

- A. *Date created.* The district was created on September 21, 1988.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 7: parcels 6, 7, 8A, 9, 9A, 9B, 9B1, 9C, 33.
 - 2. Tax map 16: parcels 4B, 4C, 13A, 13D, 15A, 15A3, 15C, 15E, 15G, 16B, 17, 26, 30B, 36, 37, 52B1, 52B2, 54.
 - 3. Tax map 17: parcels 8C, 17C, 18H, 20A2, 22.
 - 4. Tax map 29: parcels 1D, 1H (part), 31A.
- C. *Review.* The district is reviewed once every five years and will next be reviewed prior to September 18, 2024.

(Code 1988, § 2.1-4(m); § 3-213, Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 08-3(3), 10-8-08; Ord. 09-3(4), 12-2-09; § 3-215, Ord. 18-3(1), 11-7-18; Ord. 19-3(2), 9-18-19)

Sec. 3-222 Jacobs Run Agricultural and Forestal District.

The district known as the “Jacobs Run Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on January 6, 1988.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 19: parcels 25, 25A.
 - 2. Tax map 19A: parcels 9, 22, 31.
 - 3. Tax map 20: parcels 6J, 6S.
 - 4. Tax map 30: parcel 32B.
 - 5. Tax map 31: parcels 1, 1B, 4K, 8, 8E, 16, 16B, 44C, 44G2, 45, 45B.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 2, 2019.

(3-2-94; Code 1988, § 2.1-4(i); § 3-218, Ord. 98-A(1), 8-5-98; Ord. 00-3(1), 4-19-00; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 11-3(2), 7-6-11; Ord. 13-3(1), 12-4-13; Ord. 15-3(1), 12-2-15; § 3-222, Ord. 18-3(1), 11-7-18; Ord. 19-3(2), 9-18-19)

Sec. 3-225 Lanark Agricultural and Forestal District.

The district known as the “Lanark Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on April 20, 1988.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 90: parcels 12, 14A.
 - 2. Tax map 92: parcel 64C.
 - 3. Tax map 102: parcels 33, 35, 35A, 35B, 35C.
 - 4. Tax map 103: parcels 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1J, 1K, 1L, 1M, 2A, 2B, 2E, 3, 3A, 3B, 3C, 3G, 5, 9, 10A, 10B, 10D, 43, 43D, 43F, 43J, 43L, 43L1, 43M, 68 (part).
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to September 18, 2029.

(Code 1988, § 2.1-4(k); § 3-221, Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(2), 2-10-99; Ord. 99-3(5), 10-6-99; Ord. 08-3(1), 7-9-08; Ord. 09-3(4), 12-2-09; Ord. 15-3(1), 12-2-15; § 3-225, Ord. 18-3(1), 11-7-18; Ord. 19-3(2), 9-18-19)

Sec. 3-226 Moorman’s River Agricultural and Forestal District.

The district known as the “Moorman’s River Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on December 17, 1986.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 27: parcels 32, 34, 34A, 40, 40A, 40A1, 42, 42A.
 - 2. Tax map 28: parcels 2, 2A, 3, 4, 5, 6, 6A, 6B, 7A, 7A1, 7B, 8, 12, 12A, 12B, 13, 13A, 17A, 17C, 18, 25 (part), 30, 30A, 30A1, 30B, 32B, 32D, 34B, 35, 35B, 37A, 37B, 37C, 38.
 - 3. Tax map 29: parcels 2C, 4E, 8, 8B, 8E, 8E1, 8J, 9, 10, 15C, 40B, 40C, 40D, 45, 45H1, 45H2, 49C, 50, 54A, 61, 62, 63, 63A, 63D, 67C, 69F, 70A, 70B, 70C, 70F, 70H1, 70K, 70L, 70M, 71, 71A, 74A, 76, 78, 78A1, 79C, 79E, 79F, 84, 85.
 - 4. Tax map 30: parcels 10, 10A, 10C, 12, 12C, 12C1, 12D, 23.
 - 5. Tax map 41: parcels 8, 8B, 8C, 8D, 9E, 15, 15A, 17C, 18, 19, 41C, 41H, 44, 50, 50C, 65A1, 67B, 70, 72, 72B, 72C, 72D, 72E, 72F, 89.
 - 6. Tax map 42: parcels 5, 6, 6B, 8, 8C, 10, 10A, 10D, 37F, 37J, 38, 40, 40C, 40D, 40D1, 40G, 40H2, 41, 41B, 42B, 42B1, 43, 43A, 44.
 - 7. Tax map 43: parcels 1, 1F, 2A1, 2B, 3A, 4D, 5, 5A, 9, 10, 16B2, 16B3, 18E4, 18G, 18J,

19I, 19N, 19P, 20A, 20B, 20C, 2I, 21A, 24A, 24B, 24C, 25A, 25B, 30, 30A, 30B, 30B1, 30B2, 30B3, 30B4, 30G, 30H, 30M, 30N, 32H, 33, 33E, 34D1, 41, 42, 43, 44, 45, 45C, 45D.

8. Tax map 44: parcels 1, 2, 24, 26, 26A, 26B, 26C, 27B, 27C, 28, 29, 29A, 29D, 30, 30A, 30B, 31, 31A, 31A1, 31D, 31F, 31G, 31H.
9. Tax map 57: parcel 69.
10. Tax map 58: parcels 65A4, 65E, 65I.
11. Tax map 59: parcels 32, 32A, 34, 35, 82A.
12. Tax map 60E3: parcel 1.

- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to November 12, 2024.

(4-14-93; 12-21-94; 4-12-95; 8-9-95; Code 1988, § 2.1-4(g); § 3-222, Ord. 98-A(1), 8-5-98; Ord. 99-3(4), 5-12-99; Ord. 00-3(1), 4-19-00; Ord. 04-3(4), 12-1-04; Ord. 05-3(2), 7-6-05; Ord. 08-3(2), 8-6-08; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 14-3(2), 11-12-14; Ord. 15-3(1), 12-2-15; § 3-226, Ord. 18-3(1), 11-7-18; Ord. 19-3(2), 9-18-19)

Sec. 3-228 Panorama Agricultural and Forestal District.

The district known as the “Panorama Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on April 20, 1988.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
1. Tax map 44: parcels 9A, 9C, 12, 12Q, 12X, 12Y, 12Z.
 2. Tax map 45A, section 1: parcel 27.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to September 18, 2029.

(6-14-95; Code 1988, § 2.1-4(l); § 3-224, Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(3), 3-17-99; Ord. 08-3(1), 7-9-08; § 3-228, Ord. 18-3(1), 11-7-18; Ord. 19-3(2), 9-18-19)

Agenda Item No. 20. **Public Hearing. ZMA201900002, Hollymead Town Center Area A1, Transit Proffer Amendment Request.** (Advertised in the Daily Progress on September 2 and September 9, 2019)

PROJECT: ZMA201900002 Hollymead Town Center, Area A-1 Proffer Amendment
MAGISTERIAL DISTRICT: Rio
TAX MAP/PARCEL(S): 032000000042A0, 03200000004400, 03200000004500 (portion), 04600000000500
LOCATION: Hollymead Town Center Area A-1, the southwest quadrant of Seminole Trail (US 29) and Towncenter Drive in the Hollymead Development Area.
PROPOSAL: Amend approved proffers to modify the contribution towards transit service.
PETITION: Request to amend the approved proffers on property zoned Planned Development-Mixed Commercial (PD-MC) which allows large scale commercial uses and residential by special use permit (15 DU/Ac.)
OVERLAY DISTRICT(S): Entrance Corridor (EC); Steep Slopes; Airport Impact Area (AIA)
PROFFERS: Yes
COMPREHENSIVE PLAN: Urban Mixed Use (in Centers) – retail, residential, commercial, employment, office, institutional, and open space uses; Commercial Mixed Use – commercial, retail, employment uses, with supporting residential (no maximum density), office, or institutional uses.

Removed from Agenda at the Applicant’s Request.

Agenda Item No. 21. From the Board: Committee Reports and Matters Not Listed on the Agenda.

There were none.

Agenda Item No. 22. From the County Executive: Report on Matters Not Listed on the Agenda.

There were none.

Agenda Item No. 23. Adjourn to September 28, 2019, 10:00 a.m., County Office Building, McIntire, Charlottesville, VA.

At 11:41 p.m., the Board adjourned its meeting to September 28, 2019 at 12:00 p.m. at the Albemarle County Office Building for the Albemarle County 275th Anniversary Celebration.

Chair

Approved by Board
Date 04/21/2021
Initials CKB